# FAYETTEVILLE OBSERVER.

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☞ *Letters to the Editor must be post paid.* ☜


## Received per Steamers,

AND for sale at the Auction Store opposite the Lafayette Hotel,

**31 hhds. prime MOLASSES.**

SAM'L W. TILLINGHAST.

*December* 3, 1839.

## Davies' Mathematics,

DESIGNED FOR SCHOOLS, ACADEMIES AND COLLEGES.

THE attention of Teachers and all others engaged in the promotion of thorough education, is invited to the examination of the following text books in Mathematics, by Professor Charles Davies

1. Davies' Mental and Practical Arithmetic.—Key to Davies' Arithmetic for Teachers.
2. Davies' First Lessons in Geometry.
3. Davies' First Lessons in Algebra.
4. Davies' Bourdon's Algebra.
5. Davies' Legendre's Geometry and Trigonometry.
6. Davies' Elements of Surveying.
7. Davies' Analytical Geometry.
8. Davies' Descriptive Geometry.
9. Davies' Differential and Integral Calculus.
10. Davies' Shades, Shadows and Linear Perspective.

For sale by E. J. HALE.

## House and Lot to Lease.

THE Subscriber wishes to lease for a term of four years, the HOUSE and LOT, situated on both sides of the Creek at Goodwin's bridge, well known as the property of the late Duncan Smith. It will be leased on favorable terms, either for cash or to any one who will engage to put up a house on the lot in payment of the rent. Apply at this office or to ARCH'D SMITH, *Guardian.*

*Philadelphus P. O, Robeson county, N. C.,* } 743w
*November* 29, 1839. }

If not disposed of before the 1st of January, it will then be rented at public auction at the Town House.

## FOR SALE.

**1000** SACKS LIVERPOOL SALT.
20 Hhds. Porto Rico and St. Croix SUGAR.
75 Bags Rio COFFEE.
75 Kegs NAILS.
20 Pieces heavy Cotton BAGGING.
50 Coils BALE ROPE.
23 Bushels Herds' Grass SEED.
T. S. LUTTERLOH.

*December* 4, 1839. 74-3w

## Teacher Wanted,

TO take charge of the *Clio Academy*, 9 miles East of Bennettsville, Marlboro' District, S. C., competent to teach the English branches generally, and the Classics, of which satisfactory evidences must be furnished, as well as that the applicant sustains a good character. The Scholastic year is divided into two Sessions of 24 weeks each—the first Session commencing the first Monday in January next, at the end of which there will be a vacation of two weeks before the commencement of the second Session.

Communications addressed to the subscriber at Clio, will have due attention until the 24th of December, when the election will take place.

THOS. C. WEATHERLY, *Secretary.*
*Clio, S. C., Nov.* 30, 1839. 74-5w

## PIANO FORTES.

A GOOD assortment of Piano Fortes may constantly be found for sale at the FEMALE SEMINARY. Those now on hand by different makers, and from the best manufacturers in New York, will be sold ten per cent. lower than can be purchased elsewhere, of the same class and workmanship, in this market. Orders will be executed for Piano Fortes from any manufactory of this country, or Germany, and they will be furnished at the lowest New York prices, adding the expense of transportation. All instruments ordered or furnished through this agency are selected at New York, by approved Professors of Music, are opened after their arrival here, tried and approved by competent Pianists, before they are offered for sale, and are re-packed without additional charge, in the best manner for safe conveyance to any part of the country. All those furnished from manufacturers in this country, are warranted by the makers.

The extensive call for Piano Fortes, which has been made for two years past, through the music department of the Seminary, and the frequent imposition of inferior instruments often at extravagant prices, through the private interest or ignorance of the venders, has led to the establishment of this Agency. To meet the convenience of purchasers, arrangements have also been made to receive in payment good negotiable notes at four months, payable at the Cape Fear Bank. This arrangement often saves to the purchaser ten per cent. in the difference of exchange, besides all the risk of damages in the transportation, and the certainty of having an instrument delivered here, approved and in good order. Inquire of the PRINCIPALS of the SEMINARY, or of Col. S. T. HAWLEY.

*Fayetteville, Nov.* 30, 1839. 74-tf

## GARDNER & McKETHAN,

CARRIAGE MAKERS,

RETURN thanks to their friends and the public for the liberal encouragement they have received, and now inform them that they have on hand a large assortment of work. Having in their employment a number of first rate workmen at the different branches, they intend keeping constantly on hand a large and general assortment of

**Carriages, Barouches and Buggies,**

Large and small. Also, BUGGY GIGS and SULKIES, (on a new plan.) warranted to ride very easy and run light. Also, a number of WAGONS on Elliptic springs and chains, large and small.

Persons wishing to buy would do well to call and examine their work, as they are disposed to sell at reduced prices; they feel confident they can make their work as well and sell it as low, as it can be had from any regular Northern establishment.

All work made and sold by us is warranted 12 months, and will be repaired without charge if they fail by bad workmanship or materials.

☞ Repairing neatly executed at short notice, and on reasonable terms.

*December* 3, 1839. 74-6w

I keep constantly on hand for sale, that incomparable Medicine, "MATCHLESS SANATIVE," which has performed so many astonishing cures in consumption and other diseases of the lungs. Also, I have a quantity of selected BADEN CORN for sale, raised from seed direct from the original grower, *Thos. N. Baden* of Maryland. This Corn will yield fully one-third more off of the ground than any other Corn, and of excellent quality. Price, $1 50 per bushel.

ROBT. WOODY, P. M.
*Mudlick, Chatham Co. N. C., Nov.* 29, 1839.

## $100 Reward.

RANAWAY on the 1st of October, 1839, two negro men, one belonging to each of the undersigned, named

***SANDY and ALFRED.***

SANDY is a black fellow about 6 feet high, 22 years of age, the right knee considerably knock-kneed, has a fore tooth out, down look, rather spare for one of his height. Among his clothes were a straw hat and brown homespun coat.

ALFRED is a bright mulatto, 18 years of age, 6 feet high, fine looking fellow, very straight, smiles when spoken to, and is apt to put his hand to his right ear when spoken to.

They were raised by the subscribers, and it is feared that they have been kidnapped or assisted away.

The above reward, or $50 for either, will be paid for their delivery, or for their confinement in any Jail so that we may get them again, or a reasonable reward for any information that may lead to their recovery. A reward of $100 will be paid for proof sufficient to convict of their being harbored or assisted away.

ARCH'D McEACHERN,
JOHN GILCHRIST.

*Randalsville P. O., Robeson county, N. C.,* } 74tf
*November* 27, 1839. }

## Notice.

THE Subscriber cautions all persons not to trade for two Notes of hand made payable to Angus Johnson, of Cumberland county. One of said Notes is drawn for Five Hundred Dollars, the other for Two Hundred and Twenty-five Dollars, dated sometime about the 8th, 9th or 10th of August last,—both of the same date. The five hundred dollar one was due Tuesday of Moore County Court, in August last; the two hundred and twenty-five dollar one was given, as well as I remember, on demand. Both Notes are signed by the subscriber, and as said Notes were fraudulently obtained, and value not received, I am determined not to pay the same.

WM. HANCOCK.
*Moore County, November* 7, 1839. 74-3w

## Strayed or Stolen

FROM the Subscriber, on the night of the 27th instant, a dark sorrel HORSE, with a white streak running down the face, shod before, and about 10 years old. Whoever will return said Horse to the Subscriber, or give information where he may be found, shall be suitably rewarded.

WILLIAM ROGERS.
*Clio, Marlborough District, S. C.,* } 74-3tpd.
*Nov.* 28, 1839. }

## CAUTION.

THE undersigned cautions all persons against trading for a Note in his favor made by Alexander Williams of this county, for Forty Eight Dollars, dated the 3d day of January, 1839, and payable one day after date, which note has been lost.

JOHN BLANCHARD.
*Cumberland County, Nov.* 30, 1839. 74-2w

## Mountain Butter.

JUST received from beyond the Blue Ridge, 2000 lbs. MOUNTAIN BUTTER.

For sale by C. J. ORRELL.
*November* 26, 1839. 73tf

## Piano Forte.

A NEW and elegant crotched Mahogany round cornered PIANO FORTE, finished with the French grand action, double pedals, metallic plate of very superior tone and finish, and of warranted workmanship, with a stool. The choice of two, the same in all respects, can be had. They were selected by good judges this Fall in New York, and from celebrated Manufacturers, and will be sold low. Also, a second-hand English made Piano and Stool for sale very low. Apply to

JAMES MARTINE.
*November* 19, 1839. 73-3m

## Land wanted.

WANTING to purchase, about 200 acres of good LAND, partly cleared and the rest well timbered, for which a fair price will be given, and Cash paid on day of sale.

Land over the River and a few miles from town will be preferred. Apply to

Mrs. B. PERRY.
*Fayetteville, Nov.* 25, 1839. 73tf

## Twin or Okra Cotton Seed.

THE Subscriber has received on consignment a small quantity of the Seed of this new and valuable variety of Cotton. It is remarkable for producing much more than ordinary cotton, and has been sold as high as $1 per seed in Alabama. For sale by M. V. JONES.
*Fayetteville, Nov.* 26, 1839. 73-6w

## Gray's Ointment,

FOR the cure of White Swellings, Scrofula and other Tumours, Sore Legs and Ulcers, old and fresh wounds, Sprains and Bruises, Swellings and Inflammations, Scalds and Burns, Scald Head, Rheumatic Pains, Chilblains, Tetters, Eruptions, Whitlows, Biles, and external diseases generally. A fresh supply of this Invaluable Medicine just received at the Fayetteville Book Store.

## NOTICE.

BY virtue of an order of the County Court of Montgomery, made at October Sessions, 1839, of said Court, I, as Administrator of Sias Billingsley, deceased, will, on the 1st day of January next, at the Court House in Laurenceville, proceed to sell the following

**NEGROES,**

Belonging to said Estate, viz:—Peter, Robbin, Dick and Harry, Fellows; Fanny, Delphy, and two Children, one male and one female; Tamer and Louisa, Women, and John, a Boy.

Nine months credit will be given, the purchaser giving bond and approved security.

THOS. E. SCARBOROUGH, *Adm'r.*
*November* 14, 1839. 72-3t

## Stoves and Stove Pipe.

THE Subscriber has received a larger stock of STOVES than ever before offered to the public, consisting of fire place and pipe Franklins; James' improved Cooking Stoves; 4 sizes Boiling Stoves; nine plate Stoves, with boiler and tea kettle on the top; six, seven and eight Stoves, suitable for Churches, Court Houses, Manufactories and Offices, of all sizes from 18 inches to 32 inches. Also, Box Stoves, all manufactured of best Pennsylvania Iron, recently selected by himself. Also, Stove Pipes of all sizes, which he is enabled to sell lower than ever before offered.

—ALSO—

All kinds of Tin and Sheet Iron Work done at short notice.

JAMES MARTINE.
*November* 19, 1839. 73-3m

## For Sale,

300 BUSHELS *HAIR* for Plaistering, &c., to be had at the Fayetteville Tannery.

L. S. BELDEN & CO.
*September* 11, 1838. 10tf

## For Sale,

TWO valuable young CARPENTERS. For information, apply to the Printer.
*November* 19, 1839. 72tf

## J. I. BRYAN,

COMMISSION MERCHANT,
***Wilmington, N. C.***

CONTINUES to give particular attention to the sale of LUMBER and TIMBER, as well as all other Consignments connected with a General Business. He hopes by expeditious sales and prompt returns, to merit a continuance of public patronage.
*Wilmington, August* 1839. 58-*tf*

## *BARK!*

THE Subscribers wish to contract for the delivery of from 100 to 200 cords of BARK.

L. S. BELDEN & CO.
March 20, 1839. 37tf

## Auction and Commission Business.

THE Subscriber having had considerable experience in the above business, offers his services to his friends and the public as a general AUCTION AND COMMISSION AGENT.

All orders left at his office on Person Street, 1 door West of Bank of Cape Fear, will be attended to.

AMOS KIMBALL.
*Nov.* 5, 1839. 70-tf.

## *Female Academy.*

THE first session of the ROCKINGHAM FEMALE INSTITUTION, for the ensuing year, will commence on the second Monday in January next.

Boarders will be accommodated by families in the village, or by the Principal of the Institution. Persons desirous to obtain Board and Tuition for young Ladies, are requested to make early application.
*November* 15, 1839. 72tt

## Matchless Sanative.

THE above invaluable Medicine is for sale by the Subscriber at Bostick & McKenzie's Store, Richmond county, N. C.

T. BOSTICK, P. M.
*November* 5, 1839. 72-2m

GREEN'S

## STRAW CUTTER.

THIS newly invented machine, which has received the highest encomiums in this country and in Europe, will cut two bushels of provender in a minute, or 500 lbs. in an hour, and with much less force than the common machines. A few just received for sale by

WILLIAM McINTYRE.

ALSO,

**Freeborn's Patent Plough.**

A SUPPLY of this highly approved PLOUGH, always kept on hand, together with the Castings, by WM. McINTYRE.
*Fayetteville, March* 19, 1839. 37-1Y

LINCOLNTON, N. C., Nov. 30.

*Fire.*—On Sunday morning last, between the hours of 12 and 1, the peace of our town was disturbed by the alarm bell of fire. Upon its discovery, it had made such progress, as destroyed every hope of extinguishing it before its rage should be fully vented. It originated in the work-shop of B. Jetton & Sons, and fanned by a steady breeze, rapidly communicated to the adjoining buildings and quickly reduced them to ashes. The large and commodious Hotel of Mrs. Schenecle, with all the appurtenant buildings; the two story building occupied by Gen. Seagle and the Messrs. Jettons; the store of Jacob Ramsour, Esq., and all the buildings in the rear of these upon the same square, were completely destroyed. A portion of Mr. Ramsour's Goods were saved, little or nothing belonging to the others.

The loss has been very considerable, for the few that have suffered. It is estimated by none at less than $25,000.—*Banner.*

*Steam Boat Explosion and Loss of Lives.*—The New Orleans papers of the 22d, state that the steamboat Wilmington, on her voyage from New Orleans to St. Louis, burst her boilers, at day light on the morning of the 18th inst., near the mouth of Arkansas river. The boilers, engine, and upper works were carried away, as far aft as the cook-house. One of the pilots, Mr. Andrew Helms, was blown overboard and lost; Julius Fisk, 1st engineer, killed; Paul ——, 2d do. mortally wounded and dying at mouth of Arkansas, and 4 others (2d cook included) dead;—the number of wounded is not precisely known; the accounts varying from 6 to 12. It is supposed that none of the other officers were injured. The accident occurred about 20 minutes after the boat had wooded, and whilst she was under way.

*Look out for more Murrel Men!*—A few days since, two *gentlemen* in a carriage, came into the neighborhood of Joseph Spurgen, Esq., in Davidson County, and sold a Negro to Mr. Jacob Yokely, for $600.

Mr. Yokely paid them in two horses, and $100 cash—after which they left the neighborhood.

The negro seemed well pleased with his new home until Saturday night last, when he decamped, and has not been heard of since.

The presumption is, from circumstances, that the whole was designed by the negro and men, to swindle Mr. Yokely out of his property. After the men left, he was seen to have a $100 bill, and some specie.

Mr. Yokely is said to be an honest, hard-working man, but not so well qualified to judge between a *Murrel* man and an honest man. It would be well for some of our honest farmers and tradesmen to be more on the alert towards strangers trafficing through the country, in negroes and other stolen property.—*Western Carolinian.*

Since the result of the recent Elections, Mr. Van Buren has, no doubt, said to himself, what the *varmint* said to Capt. Martin Scott—"*I'm a gone coon.*"—*Raleigh Register.*

## OBSERVER.

FAYETTEVILLE:

WEDNESDAY, DECEMBER 11, 1839.

The Charleston papers occasionally make some remarkable disclosures. We observe in a late Mercury, that the great *humbug* Rail Road paid the agent for negotiating a loan of a million in Europe, (Gen. Hamilton,) $10 000 for that service; and that Col. Memminger had a retaining fee of $5.000 for his "patriotic exertions," (before the Kentucky Legislature, we suppose.) The State's agent, (Gov. McDuffie,) for negotiating a loan for rebuilding Charleston, received $5,000 for that service. The bonds, both of the State and of the Rail Road, the latter being guaranteed by the State, were negotinted at a discount of 20 per cent., whereat the people of that magnificent State appear to be exceedingly indignant.

The Washington correspondent of the New York Courier and Enquirer, says that Mr. Calhoun is in favor of the wild project of throwing the State debts upon the General Government, and of pledging the public lands for their payment. We do not credit this. Mr. Calhoun is not likely to advocate a scheme which would entail on the country a debt of two hundred millions.

The Washington correspondent of the Petersburg Intelligencer says,—

There is a report abroad that Benton and Van Buren have grown reserved, and politely cool towards each other, in consequence of the marked preference Mr. Van Buren shows for Mr. Forsyth as his successor. Benton is looking to the throne himself, and knows that Forsyth hates and despises him with a creditable rancour.

Mr. Fisher of North Carolina will go with the Administration, so will Mr. Wick of Indiana, and Mr. Campbell of South Carolina.

The Van Burenites are so sure of electing Pickens, that already they are considering who shall be their chairmen of important committees. They will have some difficulty in selecting from such very mediocre materials as they possess. The Administration is in the singular predicament of not possessing a single man of first rate abilities in the House, either for business or debate. Who are their shining lights? —Vanderpool, Thomas, Dromgoole—all respectable, certainly, but never designed surely to be leaders of a great political party. Indeed, it is notorious that the Cabinet were especially anxious for the election of Charles J. Ingersoll, on account of the woful dearth of debating power in their ranks.

FIRE.—We learn from the Greensborough Patriot, that the mill of Dr. John A. Foulkes, in Guilford county, was destroyed by fire on the 19th ult., together with about 2700 bushels of wheat, principally belonging to the farmers of the neighborhood. Loss $10,000. The fire is supposed to have originated from the heating of the spindles—having run without intermission for several days and nights.

MORUS MULTICAULIS.—The best joke yet told of the Morus Multicaulis, is, that a countryman lately came into Philadelphia with a wagon load of trees for sale, when the boys collected about him in such numbers, shouting "huzza for Morus Multicaulis," that he begged a man to let him empty his load on a vacant lot, put whip to his horses, and made the best of his way out of the city. We do not vouch for the truth of this.

FROM THE RALEIGH REGISTER.

*To the writer of "A Democrat" published in the Standard of November* 20, 1839.

SIR: Whoever you may be, there is one act of your life which should stamp you with infamy in the estimation of every honorable man, and which should meet with no apologist even amongst the most embittered political partizans. I allude to your unjust and scurrilous attack upon Gov. Owen. If you are *young*, one may attribute it to indiscretion and rashness, and there may be some faint hopes of your repentance; but, if you are not able to enter this plea, you have added to the crime of endeavoring to blacken the fair name of a neighbor, a cowardice which prevents you subscribing your slanders, and a folly which cannot be atoned for, even by the tears of a drivelling dotage. That a gentleman may, sometimes, permit his party zeal to lead him into rash invectives against an opponent, can be accounted for, at a period when all the political elements are in motion; but this, Sir, is not your case. Your language betrays you, and marks you as a veteran amongst political slanderers. This is not the first time that you have crept from your dark cell, to do the workings of a heart well suited to its vindictive calling, and though you may never be discovered—though you may live long enough to make many additional stabs in the dark—yet you will, one day, enjoy the fruits of your labor—wages, which will forcibly remind you of that infamy which should always attend the labors of the hypocrite. Now Sir, I do not intend to enter into a vindication of Gov. Owen's character for truth. His reputation for every virtue which adorns the character of a gentleman and patriot, is too well known and appreciated to need any defence. But I do intend to take issue with you, upon some of the assertions contained in your communication, concerning the political history of the times. That portion of Gov. Owen's Address to the Convention, which seems to have elicited your party rancour, contains the assertion that the "Religion of our Fathers is not nourished and encouraged" *now*, as in former days of the Republic, and that "misrule and corruption have crept into the Administration of our National Government; and from an elevation, where we stood the admiration of the civilized world, we have been tumbled headlong into the abyss of wretchedness and crime." I contend that there is not one assertion here, which is not true, and which cannot be demonstrated to the satisfaction of every unbiassed mind. When, Sir, at any former period of our history, were mobs so frequent and so characterised for lawless violence, as have cursed our country during Gen. Jackson's and Mr. Van Buren's Administrations? Look at the outrageous and merciless plot, which was formed to blow up the Soldiers who had been called out to defend the violated laws of their country. Look at the scene which produced that call for the soldiery. Is there another instance, recorded in the history of the United States, of a band of reckless assassins driving the Members of a Legislature from their Hall at the point of the bayonet? Where can it be found? Look, Sir, at the frauds—the almost innumerable frauds—which have been practised on the Government. Look at the money out of which it has been swindled. And, worse than all, see the Government, encouraging such peculations by the grossest negligence, by not calling the authors of them to account. See the public morals assailed, the principles of Religion weakened by the open defence and unblushing justification of such conduct by the public press. See the Official Organ, calling for violence to prevent a portion of the People's Representatives from taking their seats in Congress. See too, the base attempts to excite the poor against the rich. Are such things not criminal? Do they not show an utter disregard for Religion and Law? Did such misrule ever before meet with the approbation of men in high places? Look, too, at the attempts to prostrate the Credit System—to violate contracts—to raise a false cry of *moneyed aristocracies.* Look at the result of the war carried on by the President on the Currency—the reduction of the price of products—the crashing of merchants—the suffering in every branch of business and industry. Do not such things prove a state of *wretchedness*, unparalleled in the history of the most despotic Governments on earth? When did a President, at any former period of the history of our country, claim control over the purse of the Nation? When did he ever, before, use the money drawn from that purse to corrupt the people—to buy their votes or drive them from their duty by enlisting the services of thousands of hireling Editors to abuse and villify them, so soon as they are patriotic enough to take up arms against the misrule of the Government? You know, sir, that no page of the history of any other country—no, not even of the most slavish of Eastern Asia—has been blurred by as base and servile an act as that of the expunging the Journals of the Senate. A blacker political perjury never was committed by any set of men! You, even *you*, must blush for them, and even *you* must know that the majority of the men who did it, would have stooped down and licked Gen. Jackson's feet for the gift of some official dignity. And yet, with all this staring you in the face, you have the assurance—I should rather say *servility*—to proclaim that there has been no misrule, no corruption, no frauds, and no violation of the Religion of our fathers. The sink of infamy that you are in must be too black to enable you to see truth, though it were written with a sun-beam across the Heavens.

There are other parts of your communication which, perhaps, would deserve notice, if they came from any one but a professed slanderer. As to your charge, that Gov. Owen was piqued at the *Democrats* (!) not electing him to the Senate, in opposition to Mr. Mangum; and, that he has hated them ever since, I can only say that your knowledge of political events is as slim as your candour. Do you not know, or have you intentionally forgotten, that, at that time, *all* were Jackson men, and that the preference between Gov. O. and Mr. M. was *personal* and not *political?* If Gov. Owen hates the Democrats, as you now term yourself, because they did not send him to the Senate, he must hate many who voted for him. —There was then, no such distinction of party, and it is folly, it is the very soul of misrepresentation and deception, to impute to Gov. O. any such unworthy motive or feeling. He is as far *above* it, as you are capable of it, and that you *are* capable of any thing like unto it, your own conscience convicts you.

But, Sir, I am sorry I have considered your vituperation of sufficient importance to elicit a reply. Your heart must surely be destitute of all the nobler feelings which should give tone to the conduct of a man and a patriot; and, no doubt you will be entitled to the epitaph, which should have been allotted to one, who was not superior to you in venom, but far more elevated in intellect:

"Lo, here's the reptile! who, from some dark cell,
Where all his veins with native poison swell,
Crawls forth, a slimy toad, and spits and spews
The crude abortions of his loathsome muse,
On all that honor, all that worth holds dear."

With this, Sir, I bid you adieu.

ONE OF THE PEOPLE.

FROM FLORIDA.

We copy the following particulars of late Indian depredations, from the St. Augustine *Herald* of the 28th ult:

This morning about 8 o'clock, a young Polander named Posenantzky, aged 19 years, a native of Horchencdt in the Dukedom of Posen, left this place on horseback in company with the regular stage, in which was Capt. Searle of the U. S. Topographical Engineers, the only passenger. At six miles from this place, Posenantzky riding in the rear of the stage, was shot; his horse took fright and running before it, his rider fell mortally wounded. Capt. S. got out, and while in the act of assisting him into the stage, was also wounded. Posenantzky died in about two hours. Capt. S. has been taken to Picolata. But little hope is entertained of his recovery.

Six men were despatched from Camp Weadman to procure a surgeon for Capt. Searle; when they reached Long Swamp, three miles from this city, they found the body of Philip Weadman, Senr. of this city, dead, and his son, a lad of about 14, apparently mortally wounded; these two bodies are brought to town.

Mr. Weadman was on his way to his deserted plantation—when he arrived at Long Swamp (4 miles from this) a negro came up and spoke to them, when two rifles were fired and he fell. His son, Bartolo, says the Indians re-loaded and fired at himself; the ball struck the top of his head and glanced, fracturing his skull. The Indians were preparing to carry him off in the cart, and tied his legs, when the escort came up.

We have not time for particulars, nor do our feelings permit us to write. To part with four citizens this morning at 8 o'clock, and at 12 meet one of them a corpse, another apparently mortally wounded, and to hear that one of the others was dead and the fourth was nearly so, the victims of savage ferocity, is more than an every day affair, and the curse of Heaven must attend this nation if such scenes command not the attention of government.

*Fraud.*—It really seems as if the payment of an Indian annuity could not be made without being marked by some act of fraud. The last Green Bay Democrat says:

"Upwards of six thousand five franc pieces were paid out here during the late payment to the Menomonees for dollars. The principal sufferers by this beautiful operation are our merchants, they being compelled to take these pieces for more than their worth from the Indians. Who are the principal gainers remain to be seen. We trust the proper Department of our Government will look into this matter, for the purpose of ascertaining who of its agents deserve credit for the invention of this improved mode of speculating, not to say swindling.

*A Good Hit.*—The following hit at the late election in Massachusetts, which turned upon the license law of that State, is published in one of the Boston papers:

Ship Massachusetts, once so sound,
No more on steady course can jog;
Her crew have let her run aground,
While *quarrelling about their grog.*

We understand that Hon. John Y. Mason, of Virginia, has been selected by the Philanthropic Society of our University to deliver the Annual Address, at the next Commencement, before the two Literary Societies; and that Col. Daniel M. Barringer, of Cabarrus County, has been chosen by the Dialectic Society, to deliver the Address to the Alumni and Graduating Class. Both gentlemen have accepted their appointment.—*Raleigh Register.*

Mr. John Lee, Joshua Deer, George Darset, and a colored man of Mr. Lee, were taken up last week in Davidson County, and tried before three Magistrates, on suspicion of having aided in lynching Nathan Lambeth, an account of which we published in our last paper.

There were a number of witnesses examined on the trial, but there was nothing stated by them to justify the Magistrates in committing either of the persons implicated; they were therefore discharged.

*Western Carolinian.*

One of the most extraordinary documents, says the last National Intelligencer, we have ever seen, is a Proclamation, issued on Monday last, by the Governor of the State of Pennsylvania, declaring C. J. Ingersoll to have been elected (at the election held more than a year ago) one of the Representatives from that State in Congress. The feature of it which is in our eyes so extraordinary is not the decision of the Governor in favor of Mr. Ingersoll's right, but the fact of this proclamation being issued in the teeth of the proclamation issued by the former Governor of that State, announcing the election of Mr. Naylor from the same district; a proclamation certainly excluding the effect of any posterior proclamation, and especially of a proclamation issued by a Governor who had no official existence at the time of the occurrence which he assumes to proclaim!

The Nashville Banner states that Gen. Jackson visited Nashville just previous to the election of Senator, and that paper intimates that the election of Mr. Felix Grundy was the work of the old Gen. and Gov. Polk. The Banner also hints that the selection of Mr. Grundy was not very agreeable to the Tory party generally, and was especially distasteful to several aspirants who had toiled and sweated for the station.

*New Nomination.*—The political Abolitionists met in convention at Warsaw, Genesee county, on the 13th Nov. Among their proceedings, we notice the nomination of James G. Birney, of New York, and Francis J. Lemoyne, of Pennsylvania, as suitable candidates for President and Vice President of the United States. The nominating committee consisted of Myron Holley, W. J. Chapin, and J. H. Dar.

*N. Y. Express.*

*Mr. Pickens' opinion of the Editor of the Globe.*—It is not remarkable that the Editor of the Globe supports Mr. Pickens with but little alacrity, for, on the 23d May 1836, Mr. P. in his place, on the floor of the House, thus describes Mr. Blair:—

"He is a base, grovelling cur, who fawns at the footstool of power, and fats upon the spittle of party —a paltry cormorant of the spoils."

The following is the opinion which the New York Evening Post expresses of its own party; we think few well informed persons will dispute this disinterested evidence:

"We believe there are men nominally adhering to the Democratic party, who have little or no attachment to democratic principles. These are the men that have clung to us because, heretofore, we have been the dominant party, having the power to dispense legislative favors, or what have been significantly called the spoils of victory. The tenure by which they have been held has been the hope of sharing in a distribution of the rewards of successful effort. *So long as they could reach the chief offices of the State, so long as they could secure from it monopolies and the special acts, so long and no longer were they willing to lend their support to the democratic cause.* Let a day of temptation and trial come, and they will fall off from their allegiance as the leaves of autumn nipped by an early frost."

The Albany Argus states that it has the *authority of* Mr. Galbraith *himself* for saying that the language imputed to him by the Meadville Statesman as having been used on a late occasion, in reference to a certain contingency on the meeting of the House of Representatives, "was not, literally or substantially, his language on the occasion referred to."

Richard W. Barton has announced that he will not contest the right of Mr. Lucas to a seat in Congress. He assigns his reasons in a long address to the people of the District.

A Court Martial was in session, for several months, at St. Louis, last summer, for the trial of Lt. Col. Brant, Dep. Qr. Master General. The decision of the court has never been officially promulgated, but it was generally understood that it was unfavorable to the accused, who was convicted of defalcation and mal-practices. Col. Brant has since resigned, and his resignation has been accepted. Gen. Gratiot was not permitted to resign, but was dismissed the service with ignominy. Why this difference of treatment? Col. Brant is a near connexion of Benton.—*Fred. Arena.*

*Pork.*—The Bloomington (Ia.) Post says: We are informed that our fellow citizens, Messrs. Young and Halleck, have purchased 40,000 pounds of pork in this county, at $2 00 per hundred *neat.*"

*Odd Association.*—We yesterday saw a man in the street, drunk as Bacchus, reeling under a coffin, which he was carrying upon his shoulder. A sermon might be preached upon this little text.—*Balt. Chron.*

# TWENTY-SIXTH CONGRESS.

FIRST SESSION.

## SENATE.

On Monday, Dec. 2d, the Senate met,—Wm. R. King, of Ala. President *pro. tem.* taking the Chair. 32 members were present, among them Mr. Brown of N. Carolina. Messrs. Wright and Allen were appointed to join a committee from the House, to inform the President of organization, &c. The Senate then adjourned.

On Tuesday, the Senate met and adjourned.

On Wednesday, Mr. Benton submitted sundry resolutions, calling for information, relative to the Court Martial on Col. Brant, to the suspended Banks, &c. Several notices were given of an intention to introduce bills on various subjects.

On Thursday and Friday, no business of the least importance was done.

## HOUSE OF REPRESENTATIVES.

An unusually full assemblage of Members elect of the House of Representatives being convened in the Hall, at twelve o'clock precisely the Clerk of the House at the last session, Hugh A. Garland, Esq. (who continues to be Clerk until another election is made to that office,) rose at his desk, and said that, in conformity with the practice heretofore observed, he was now ready, if it was the pleasure of the House, to call a List which he had formed of members elect of the House of Representatives for the twenty-sixth Congress, at this its first session.

No objections being made, the Roll was commenced, and the members from the several New England States, and also those from the State of New York, having answered to their names, the Clerk next proceeded to the State of New Jersey, and called the name of Joseph F. Randolph. Having done so, he paused and stated that there were five of the seats belonging to Representatives of this State which were contested, and, not feeling it to be his duty to decide the question of a right to them, he would, if such a course should be approved by the House, pass over the remaining names until the other States should have been gone through with; after which he would submit such evidence as was in his possession touching the rights of the several claimants to seats from that State.

Many voices cried "Agreed! agreed!"

Mr. WM. COST JOHNSON objected to having the State passed over until it was decided who were her Representatives in this Congress.

Mr. MAXWELL, of New Jersey, now rose and addressed the House for a few minutes; objecting to the course of passing over the State of New Jersey in calling the roll. He demanded that the evidences of the titles to seats from New Jersey, which were in possession of the Clerk, should be read; and if no flaw was to be found in the certificates of election of himself and colleagues, that they should be admitted to equal rights with other members, none of whom would have higher pretensions, on this floor.

The CLERK then stated that he had a certificate of the Governor of New Jersey declaring William Halsted (whose name stood next upon the roll) to have been duly elected a Representative from that State.

Cries of "Read! read!"

The CLERK thereupon read Mr. Halsted's certificate, and then declared that he had in his hands other certificates in precisely the same form in favor of John B. Ayerigg, J. P. B. Maxwell, Thos. Jones Yorke, and Charles C. Stratton.

Mr. MERCER moved for the reading of the law of New Jersey on the subject of Congressional elections.

This was objected to by Mr. Cave Johnson of Tenn. and some debate ensued, when Mr. Rives of Va. proposed to lay the whole matter on the table, until the names of those whose seats were undisputed were called; but to this the New Jersey Whig claimants strongly objected. They had no idea of being set aside.

Mr. HOFFMAN, of New York, said that the proposition was to proceed and complete the calling of "the roll." Of what roll? Who were members of the House? Who but such as held the legal certificates of their election by the People? Mr. H. asked the Clerk by what right he had called his own name? Was it not on the regular legal evidence of his election? And if the gentlemen from New Jersey produced the same evidence, had they not the same right to their seats? If, indeed, there were two sets of claimants, and both produced the certificates of the Governor, in conformity with the law of their State, then there might be room to hesitate; otherwise, how could there be? If the laws of New Jersey declared that, to entitle a man to act as its Representative in Congress, he must have a certificate, signed by the Governor, that he had been duly elected, would the Clerk dare to insert upon his roll the name of any man not bringing such a certificate? Suppose a set of men should get together, and draw up depositions that Mr. H. had not been duly elected by the People, would the Clerk, on such depositions, dare to reject the commission Mr. H. presented to him in due form of law, and refuse to place his name upon the roll? He insisted on the reading of the New Jersey law; they had no right, on the threshold, to pass it over, and disregard its provisions. They had no right to set aside or postpone the claims of men presenting themselves as the Representatives of a sovereign State, and bringing in their hands the legal proofs of their official character and rights.

Mr. HALSTED, of New Jersey, said that he demanded, as the Representative of one of the sovereign States of this Union, that his name be called. The only reason the Clerk had given for not calling it was, that there were certain other claimants to the seats of those whose names he had mentioned, but had not called as on the roll of the House. Would the Clerk say that other persons had come to him with commissions in their hands under the broad seal of the State—that attestation which represented the sovereignty of the State in its most solemn form!—a form of evidence known to the usages of the State from the earliest days of its political existence. Would he say that? If the Clerk would produce such certificates in support of the other claimants' demand, Mr. H. would then consent that the question should be passed over as proposed.

The debate was continued by Messrs. Tillinghast, Slade, Mercer, Johnson, Biddle, and Sergeant, who spoke as follows:—

Mr. SERGEANT (though heard very imperfectly) was understood to say that he regarded the duty of the Clerk of the House of Representatives, under the usages of late years, to be a limited and a very plain one; and that whatever doubts or difficulties might now hang over the question were occasioned by what seemed to him to be a departure from the line of usage. What did the House understand from the Clerk? Why, that there was a contest. The worthy member from Vermont (Mr. Slade) had said, if there was a color of a claim, the Clerk was justified in acting. According to that, then, it was the duty of the Clerk to take colors of claims, and, if he found them, to do—what! To keep out of his seat the person who offered himself as a Representative of a State, however clear his case might be. The gentleman said that the Clerk was competent to decide—upon what! The color of a claim! However slight it might be, however sure he might be that there was nothing in it, was the Clerk to suffer that color of a claim to interpose between the Representative and his seat, even for a single instant! Take, for example, the State of Delaware, which has only one Representative. Was he to be kept out of his seat by a color of a claim! No—he (Mr. S.) did not understand the duty of the Clerk to be such. He took it that the usage under which the Clerk performed the duty which he was now performing was applicable only to one single point, and that was, to the verification of the credentials in point of genuineness and form.

Mr. S., after speaking of what he considered the becoming delicacy with which the Clerk had acted, proceeded to say, what is it that the Clerk does? He keeps out of their seats the Delegates from the State of New Jersey, although it may appear hereafter—although it may appear now—that they are entitled to their seats, because, according to this doctrine, if there is a color of a claim, they are to pass the matter over to some other period. Whether that period may be until after the House has organized, or to what other period, I know not.

In order to arrive at a proper conclusion as to the genuineness and force of the credentials, the Clerk is bound to know the laws of the several States in relation to this matter. He is bound to look into those laws, and to see that the certificates are conformable to them; and, if they are so, his authority is at an end. Here are five gentlemen, who present their commissions as Representatives from New Jersey. Have those commissions come through the regular channel? Does any man entertain a doubt! Is there any defect in the law of New Jersey? We have a right to have it read. I know what it is, and I now aver that, word for word, letter for letter, and syllable for syllable, the certificate which these five gentlemen have brought with them, signed by the Governor of the State of New Jersey, is precisely that which, by the law of that State, is declared to be final and conclusive evidence of their election. Is there any thing from the Governor of New Jersey to say that there has been a mistake? Is there doubt as to the genuineness of the signature, or the seal, or the paper? Does the Clerk himself entertain such a doubt? Probably he does, but, if he does, he has not yet said so. He has said that there is a contest on which he does not undertake to decide; but *how* he would decide, if he were competent to do so, he has not said. I repeat, I am not even informed that there is any doubt; and if it were not for this claim, or color of a claim, the certificate would be sufficient.

How then do we stand? What is the position of the question? Why, that these gentlemen are in this House, bringing with them their certificates drawn up according to the laws of the State of New Jersey, even to the letter, and that they are, therefore, under the Constitution of the United States, to hold their seats, unless it is shown how they are to be displaced. Is it not due to a sovereign State that its solemn act, done according to law, and involving an act of Executive power, should, in the first instance, be treated with respect; that those who intend to impeach it should not come with a transient color of claim, but should show that that which appears to be according to law is not according to law! What have you got on the part of the gentlemen contesting? A certificate from the Secretary of State of the Commonwealth of New Jersey. It is a remarkable thing, but if you will look through the law, you will find that there is not a single function which the Secretary of State has to perform. I do not know that he has even the custody of the papers.—By turning to the law, it will be found that the Governor of New Jersey, on the returns being made to him, is to summon the Council. The person who has the custody of the papers belonging to the Council is the person who has the charge of all the papers; and I take it for granted, therefore, that they are now in the possession of the Governor and Council, or of their clerk, if they have one. Is there any thing from the clerk of the Council? No.

This question becomes a very serious one, because, as I indicated at the outset of my remarks, the doings of this day are, more or less, to serve as a direction to those who come after us—and I say that this is the first time that any Clerk in the Congress of the United States has ever challenged the principle that, under the Constitution of the United States, the man who holds the return is entitled to a seat. I have looked through the decision given in the case of Moore and Letcher. It was there argued by many distinguished members, and, among others, by the gentlemen formerly Speaker of this House, and now the Governor of the State of Tennessee, who brought forward precedents in support of his opinion. He argued conclusively and triumphantly that you cannot go behind or beyond the return commission—beyond the authority which comes to you from the State. Those who argued on the same side of the question took the same ground. What did the opponents do? Did they question this principle, this unavoidable principle? for such it is in a Government like ours, which consists of independent States, each entitled to act exclusively and conclusively until Congress shall have power to act. The opponents to a man agreed to the principle, all that was contended for was, whether the certificate was in conformity with the law of Kentucky—one side saying it was, and the other that it was not—but both agreeing that if it was, he who had it was entitled to his seat. We can come, therefore, now only to one conclusion, so far as we know at present, namely, that these gentlemen are delegates from the State of New Jersey. If their seats are liable to be contested, we know how that is to be done according to the law of the United States. In the mean time, however, the gentlemen should take their seats, and have a right so to do. That, then, which appears wrong to me is, that the Clerk should raise a question which he is not competent to raise—a question which this House, in the case of Letcher and Moore, decided that it must itself settle.

I submit, therefore, that unless something is brought forward to impeach the genuineness of the commission which these gentlemen have produced, they are entitled to their seats, and should take them accordingly.

Mr. BYNUM rose to reply to certain statements which had been made for facts, but which were not so. He knew it to be a practice with many, in and out of this House, to assume for a fact every thing which they thought proper. The gentleman from Pennsylvania (Mr. Sergeant,) with whom it was characteristic, had assumed for a fact that this was the first time that ever the seat of a member had been questioned who had been elected according to the laws and the Constitution. Did the gentleman undertake to say that he alone had the right to judge of what was the law and the Constitution in relation to this subject? If the law and the Constitution were so clear as the gentleman would make out, he (Mr. B.) presumed that there would not be a dissenting voice as to these gentlemen taking their seats. But this was precisely the fact at issue. He said that these individuals were not elected according to the law and the facts. The gentleman from Pennsylvania said they were—that it was a clear case; but it was to be borne in mind that there were other gentlemen in this House who had an equal right to their own opinions, and to the exercise of their own powers of construction of the laws and the Constitution, who saw the matter in a very different light. The gentleman thought, too, that it would be a reflection on the Governor of New Jersey, that it would be disrespectful to the State of New Jersey, to question the right of these individuals to their seats, or to doubt the propriety of their names being called. Were there not others whose interests and opinions were to be respected besides the Governor and his coadjutors in New Jersey? He (Mr. B.) thought that the sovereign people of New Jersey should be heard, and that their rights also should be respected on this floor. If he understood the matter correctly, the members of this House were not so much the Representatives of the Executive of the State of New Jersey; they were emphatically the Representatives in part of the great sovereign People of New Jersey. Here was a contest between the People and the Executive of New Jersey. The People called upon this House to do justice; they said that the Governor had committed an outrage upon their feelings and rights; that he had been guilty of a usurpation—a usurpation for which in some countries he would be subject to high responsibility. If the object of gentlemen was to get the names of these five individuals called while the House was yet in an unorganized condition, what was to prevent the names of the other five being called? The Governor of New Jersey had ordered his Representatives to be called, and he was to be heard; but the People of New Jersey had ordered their Representatives to be called, and they were not to be heard. This was a matter in which the rights of the People were at stake.

He considered all the propositions which had been contended for by the gentlemen on the other side as impracticable. Nothing could be done in the matter until the House had adopted the proposition of the gentleman from Virginia, (Mr. Rives.) Before a decision could be had, it would be necessary to take into consideration the law of the State of New Jersey, but that could not be done now, because this was not an organized body. Here was the sacred chart that guided us (pointing to the Constitution of the United States.) But, in deciding this matter, the facts as well as the law must be considered. "Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business," (reading.) The House must be the judge of the rights of its own members. Was there any law to contravene this provision? If the Governor of New Jersey dared to contravene the rights of members of this House, let his acts meet with the contempt they merit. He (Mr. B.) had been told that this debate had been got up here as a mere catch, to preoccupy public attention; and he doubted whether the Executive of New Jersey had even acted in conformity with the law of his own State. A majority of the people of his State thought that he had not. The Constitution, then, gave this House the power to take the matter entirely into its own hands. But what was first to be done? The House must be organized. The gentleman from Pennsylvania had contended that now was the time to take this matter into consideration. How! By whom! Not a step could be taken until there was some organization. Mr. B. then proceeded to vindicate the course which the Clerk had taken.

Mr. EVERETT, and Mr. CRAIG next spoke. The latter having argued that *prima facie* evidence was not sufficient to entitle members to seats; and for the sake of argument, supposed a case of palpable fraud, sanctioned by all the forms of law,—

Mr. MAXWELL, (one of the Whig members from New Jersey,) rose, to put an end to an unfounded assumption which had been made in this debate. It has been assumed, said he, that we come here and demand our seats upon a mere *prima facie* evidence of a claim to them. Such, said he, is not the fact. I have ascertained to my satisfaction that *we have received a majority of the legal votes of the State;* and, if a fair opportunity be given, I believe that we can establish that fact beyond the possibility of doubt. We present here our certificates in due form of law, entitling us to arrive at that state in which we can establish the fact upon conclusive evidence. For that purpose we come here commissioned by the Governor of the State of New Jersey. In reply to another observation which had been made, that the people and the Governor of the State are at variance in reference to their title to seats, where, Mr. M. asked, was the evidence of that fact? The Governor was the organ through which the opinion of the people of the State is expressed; and, *since* he had given the certificates of election to the Representatives from New Jersey, both he and every member of the Council, by whose advice he had in that case acted, had been again elected to the offices they then held. We present ourselves here (said Mr. M.) with credentials as fair as those of any other members of this House.

The debate was continued by Mr. White, until, night approaching, there was a general call for adjournment, and the House adjourned by *general consent.*

### TUESDAY, Dec. 3.

When the members assembled, Mr. Garland, the Clerk, asked leave to read a statement which he had prepared, of the grounds on which he had acted. Before God and his country, he declared that he had but one object in view, which was, to do his duty in the case. [This statement is understood to have been concocted at a caucus of the Administration party on the night previous.]

Mr. JENIFER asked whether the Clerk had decided to go on with calling the roll? The Clerk replied, that he could not depart from the course he had thus far pursued until convinced that it was wrong.

Mr. JENIFER. If the Clerk wishes the House to proceed in organizing itself, let him proceed in calling the names of those who have produced regular certificates of their election until somebody objects to his doing so. He stopped yesterday of his own motion, after calling the name of one member, and had not called the remaining names of the members from New Jersey, although nobody had expressed any objection to his going on.

Mr. STANLY and Mr. WHITE strenuously objected to the Clerk's making to the House any argument on this case, on the ground that the members were quite competent to settle their own affairs, without asking the aid of a Clerk.

Mr. WISE was in favor of permitting the Clerk to read his statement. He wanted to hear why the Clerk had not performed that plain duty which, as well by law as usage, he was bound to perform. In the course of his speech,—

Mr. WISE addressed the Clerk personally, and said he was sorry his relations to him were not of that intimate character which would have justified him to visit the Clerk in his chamber, and there to talk with him as a sworn officer of Congress, as a man, as a Virginia gentleman, as a Christian, who needed no oath to bind him to his duty. If the right formation of the roll of Congress was a duty, it was a duty he was sworn to perform. He agreed that the Clerk was not a judge of the claim of members to their seats, nor was any other gentleman at this time a judge. Gentlemen might then ask, was there no judge? Yes, there was. There were two provisions in the Constitution, one of which applied to members while *in transitu*, between the time of their taking the oath of office, and another which applied to them when duly sworn. The first declared that the times, places, and mode of holding and of certifying elections should be left to the States, unless Congress should make a law on the subject. Congress had passed no law, and the States had accordingly regulated the matter each in its own way.

Mr. W. proceeded to detail the mode ordained by Virginia, and insisted that the sheriffs were there the judges; they constituted the tribunal to decide—a tribunal sitting at home under their own State sovereignty. This tribunal testified the fact of each man's election, not to this House, but to the member himself, and when that certificate was shown to the Clerk of the House, his duty was not judicial at all, but simply ministerial: he was not to judge, but simply to record. The sheriffs decided, they judged; the Clerk simply received the name and entered the evidence. And now, Mr. Clerk, said Mr. W., I ask you, have you or have you not received that evidence in the present case? You have asked the House to judge; but the House at present has no right to judge; it comes back to you at last. You must act for yourself; and this is the main view which I would press on you as a man, as a gentleman, as an educated Virginian, as a Christian, as an officer bound by oath to perform a ministerial duty. I would have you to do that at once and directly, which you will soon be compelled to do indirectly. For, mind you, in refusing to decide, you do in fact decide. Your not deciding has all the potential effect of a judgment. Some one must act, for the House cannot. Some one out of the House must decide this question—must of necessity; for if the House attempts to decide it, who are to vote? Is Mr. Yorke! Is Mr. Ayerigg? Or are Mr. Dickerson and his companions? Or are both? If both sides vote, or if neither side votes, the votes are lost. We come to you—you must exercise your conscientious judgment and do your duty, and you may as well do it first as last. New Jersey gentlemen on both sides will claim to vote, and who is to settle their right? At every vote the same difficulty will arise over and over, and you must act at last.

Mr. W. further insisted that the question was not now what the Governor of New Jersey ought to have done, but simply what he has done. The moment gentlemen went beyond that question, that moment they constituted this vast, numerous, unorganized, unwieldy body of men into a committee of elections. Then they must go into the details of the election, and hear all about the loafers and the unnaturalized citizens who were said to have been carted from poll to poll by both parties. But the true question was, what has the Governor done? And this question, Mr. W. insisted, the Clerk had already decided by receiving the commission of Mr. Randolph as valid, and on the sole ground of that certificate entering and calling his name as a member of the House. Why not call the remaining gentlemen whose commissions were *in totidem verbis* the same? Mr. Randolph's commission was either good or bad; if it was bad, why enter his name? If it was good, why were not all the others also good? If it gave Mr. Randolph *prima facie* a right to sit, why did it not give Mr. Halsted, and Mr. Aycrigg, and Mr. Yorke, and Mr. Stratton, and Mr. Maxwell *prima facie* right to sit? After some further remarks deprecatory of all idea of physical compulsion, Mr. W. again solemnly appealed to the Clerk whether he did not in conscience believe it to be his duty to enter on his roll the names of all who brought the certificates required by law? And had he a doubt about the formality of the certificates or commissions, if that was the proper term, presented by the gentlemen from New Jersey?

Mr. JENIFER, had no desire to impugn the motives of the Clerk, nor did he hold him responsible for the decision he had given. He commiserated his situation. The Clerk had done that which he dared not refuse to do—he had taken upon himself a responsibility from which others shrunk. Never would he have ventured to refuse their seats to a whole delegation, save one—a delegation coming here under regularly authenticated documents—had he not been so advised.

Mr. AYCRIGG, with the permission of Mr. Jenifer, rose and asked the Clerk to state whether, when he and his colleagues presented their credentials to him, he did not acknowledge that they were full, formal, and sufficient, and such as had uniformly entitled members from New Jersey to take their seats.

Mr. CAVE JOHNSON objected to the Clerk's answering this question, unless he were permitted to make a full statement.

Mr. JENIFER insisted that the Clerk ought to answer the interrogatory. It was one to which no man but himself could respond; and, as a man of honor, he ought to answer it.

Mr. VANDERPOEL: It had been said that there was *prima facie* evidence here, and that the Clerk must receive it, and permit these gentlemen to vote upon one of the most important acts that could devolve upon the members of this body,—that was to say, the election of Speaker, whose province it was to appoint the committees, who were the organs or mouth-pieces of this House. Could that be so? If a precedent to that effect were to be established, had gentlemen ever looked into what must be the consequences of it? Suppose a gentleman presented himself here, for example, with a forged certificate—a certificate which he claimed to have received from a Governor who died before the election had taken place, or before the proper authentic returns had been received, and that he were to come here and claim to be inscribed on the roll, was he to be permitted to do so? Surely not. And yet, according to the doctrine here contended for, we were so mystified by form as to be blind to all justice and right in this incipient state. Was this so? Was such a man as he had spoken of to be permitted to vote, or were the seats of this House to be contaminated by the presence of such intruders before we could arrest their steps by the interposition of any effectual veto! And did not the doctrine for which some gentlemen contended carry them to this extreme? He put it to their candor to say.

Gentlemen talked all the time about *prima facie* evidence. Why, according to their own doctrine, it was, for the purposes of the election of Speaker and some other officers, not only *prima facie* but conclusive evidence. The Constitution of the United States declared that this House shall be the judge of the elections, returns, and qualifications of its own members. And here was the great distinction between this case and other cases of ordinary contested election. This question arose upon the returns, and not upon the merits in the more enlarged acceptation of that term. When a member presented himself here to claim the seat of another upon the ground that the latter had received an actual majority of persons not entitled to vote, he attempted to purge the ballot-box of those votes. But here no such attempt was made. Here it was contended that the votes legally given had not been returned—that the Governor of the State of N. Jersey had not given all the returns. The Constitution said that this House should be the judge not only of the elections, but of the *returns* of its members. A judgment upon the returns presupposed action before the House was organized technically—in the ordinary sense of the term—although for all purposes it was so. And this was requisite, in order to prevent the first fruits being eaten or enjoyed improperly either by one party or the other. The laws of New Jersey declared that the persons receiving the greatest number of votes from the whole State—not part, but the whole State—(not excluding Millville and South Amboy) should be the persons chosen to represent the people of N. Jersey. Well; the Governor had said, here is a certificate based upon a record of the returns made to me of all the votes from the whole State. Now, the opponent party stepped in and said, "There is no such record, we deny its existence, and we bring the actual record for you." What was the proper course? An inspection of the record. Was there not, then, a manifest distinction between this and ordinary cases of contested election? He did not know that he would, at all events before the Speaker was elected, go to the extent of examining the evidence. It might be very inconvenient, if not impracticable.

Mr. POPE and Mr. RHETT followed.

Mr. WELLER spoke strongly against recognizing the New Jersey members. Mr. WADDY THOMPSON, as strongly against the danger of departing from the established usage of giving full credit to the certificates of Governors of the States. Mr. RANDOLPH, of New Jersey, vindicated the Governor of his State.

The House then dispersed, at near night.

### WEDNESDAY, Dec. 4.

Mr. Wise offered a resolution, providing for a call of the roll of undisputed members, so far as to form a quorum, under a pledge from the Administration party, (which would then have a majority, the New Jersey members being set aside for the time,) that the Speaker and other officers should not be elected until the cases of contested elections were examined into and decided.

Mr. Dromgoole, on behalf of his party, gave that pledge.

Mr. Hunt of New York proposed as a substitute, that the House proceed to elect a temporary Speaker; that a Committee of Election be chosen by ballot; and after the contested elections shall have been settled, the Speaker be chosen for the Congress. Cries of "No, no!" and Mr. Hunt did not press his motion.

Mr. HOFFMAN of New York, said,

What had they been contending for during the last two days? Was it not for the rights of men who brought in their hands certificates as valid as those of any of these gentlemen who undertook to judge of them?

And would the House now agree to pass a solemn resolution disfranchising one of the States of this Union! It was the most odious act of nullification that had ever been attempted or heard of. If the attempt of one of the States to nullify an act of Congress had excited a holy horror in every quarter of the Union, what ought the attempt to nullify an entire State to create. He cared not for how long she was to be deprived of her rights; if it were but for an instant, he would never consent to it. If the election was irregular, let the House so declare, and turn out those who came wrongfully in; let it do any thing, rather than say that certificates in form of law, granted by a sovereign State, were to be nullified by those who sat here on no better authority themselves.

Mr. GRAVES of Kentucky, delivered a violent speech in reply to Mr. Weller's speech of the day before.

Mr. CRAIG of Va. followed. In the course of his speech he asked, Was it not true that certain places, called South Amboy and Millville, had been excluded in the election returns of that State? Was this not true? It could not be denied.

Mr. RANDOLPH. They were excluded, because it was ascertained that there had been fraud in the choice of the judges of election, because the votes of many aliens had been received, and because the requirements of the statute had not been complied with; and, in the other, because the statute provisions had not been complied with, and because the judges of election decided that aliens were entitled to vote in New Jersey.

Mr. CHINN. Who rejected them! Did they ever reach the Governor!

Mr. RANDOLPH. They never reached the Governor; there was no law according to which they could.

Mr. CRAIG resumed. Then it appears that, owing to the rejection of those votes, the certificates of the Governor were given to those who hold them; but, as I understand and believe, if those votes had been counted, the certificates would have been given to those who now contest the seats, and they would have had that *prima facie* evidence of which we have heard so much. Admitting that many of those votes were spurious, and on purging the polls would have been rejected, still, what is the rule? Put these into the certificate who have the apparent majority, and if there is error, correct it afterwards.

It was perfectly obvious to him that those who had the Governor's certificate had no manner of title to their seats whatever. Millville and South Amboy had both been omitted in the return; and was he, in such a plain case, to be bound by the State seal? Was he to admit men here whom he believed in his conscience to have no right to their seats? He could not do it. Let every gentleman act according to his own convictions. Much had been said about State rights and State sovereignty. He respected the sovereignty of a State as much as any man could do, and he admitted that a respect to forms was necessary to the safeguard of our freedom; but what was a sovereign State? What but the People of that State? In monarchies, indeed, and in aristocracies, the case was different: the monarchy was one thing, and the People another; but here, thank God, the case was far otherwise. And was not the House now called upon to let those represent the State of New Jersey whom the People of New Jersey did not choose to represent them?

Mr. PICKENS of S. C., followed in favor of Mr. Wise's resolution. On the subject of State Sovereignty, he contended that it was not in the keeping of a Governor and Council, nor did it go with the great seal of the State; it belonged to the people, and was in their keeping. He called upon gentlemen to pause before they undertook to set aside the popular will. No efforts of special pleading, no resort to technicalities, would avail to smother the question who were the legal voters of New Jersey.

Mr. BARNARD of New York, followed in a long speech in favor of the Whig members. Mr. Cooper of Ga., took the same side.

Mr. STANLY appealed to Mr. Wise, to meet the wishes of his friends, and withdraw his resolution; to which Mr. WISE assented. But before he did so, he read a statement of a case in New York, in substance as follows: In 1814, Henry Fellows and Peter Allen were candidates for the Assembly in Ontario county, N. Y. Fellows received a large majority; but one of the clerks made out the returns from one of the towns in the name of *Hen.* Fellows. The clerk of the county, under the advice of *Martin Van Buren*, then Attorney General of the State, rejected these votes, because the name was written by the clerk, *Hen.* instead of *Henry*, and gave the certificate to Allen. Both Allen and Fellows appeared to claim the seat. Mr. Van Buren, the Attorney General, had the management of the case for Allen, and he contended, that as Allen was the *certified* member, he must have the seat, and that Fellows, even if the rightful claimant, could only obtain it by a vote of the Assembly *after* it should be organized. This, the correct constitutional doctrine, prevailed. Mr. Allen took his seat, and gave his party a majority of *one*. He assisted in choosing a council of appointment—*by which Mr. Van Buren retained the office of Attorney General.* And then Mr. Allen was ousted, the right of Mr. Fellows being established by the unanimous vote of the house!

Shortly after this speech by Mr. Wise, the House adjourned.

### THURSDAY, Dec. 5.

The debate was resumed this morning, by Mr. Underwood of Kentucky, and Mr. Randolph of New Jersey, the latter citing numerous instances both in Congress and State Legislatures, in which precisely such cases as the present had occurred, and in which the member producing the certificate had invariably been allowed to take his seat, even though ousted afterwards.

He contended that there *had been* fraud, but the fraud was on the side of the Administration; and that he and his colleagues would sooner suffer their right arms to fall from their sockets, than hold their places by the spurious votes of aliens.

Mr. ADAMS then rose and said: Fellow-citizens and members elect of the Twenty-sixth Congress of the United States—I address myself to you, and not to the Clerk in the chair, under a painful sense of my own duty. The Clerk, in the performance of an official duty assigned to him by the laws and the Constitution of the United States, commenced reading the roll of the members here assembled, for the purpose of constituting the House of Representatives of the 26th Congress. After calling the roll, commencing with the State of Maine, until he came to the State of New Jersey, and the members whose names had been called having answered, ascertaining their presence here, he paused, after calling one of the names of the members from New Jersey, and stated to the House that of the five other members from that State the seats were contested; that he, deeming himself not authorized to decide which of the two parties of five members were entitled to seats, must refer the matter to the decision of the House; and then, immediately or shortly afterwards, a question arising upon a proposition being presented to the House, he again, in the discharge of a solemn duty, declared that he could put no question until the House was organized.

Now, fellow-citizens, I am reduced to the necessity of appealing to you. The Clerk has said that he will not proceed in the call, according to established usage and custom. He has referred the question to a majority of the House, and then he refuses to put to this body that or any other question, with the exception that, upon further consideration, and having in the interim consulted the Constitution of the United States, he discovered yesterday that he might put the question of adjournment. He, therefore, put it; but he gave notice that he should put no other question.

Fellow-citizens, in what predicament are we thus placed! We are fixed as firmly and as immoveably as these columns around the House. We can neither go forward nor backward, and the Clerk tells us that he will persist in both the decisions he has made. What then is our position? I have waited here four days (for we are now drawing to the conclusion of the fourth day) with a fixed determination not to enter into this controversy. It was my intention not to have said one word on this question. At the last session of the last Congress, foreseeing that the very case which has now occurred would arise, I offered a resolution with the design of preventing such an occurrence. It was not the pleasure of the House to consider it; and, therefore, as well as for other reasons (among which is the difficulty of making myself heard, under which I have labored since the commencement of this session) I determined to say nothing; and I should have persisted in that determination if I had not seen that, under these two decisions of the Clerk, it would be impossible—nay, that the House might meet and stay here until doomsday, and not be able to organize. This is our position. Now, it seems to me a very extraordinary state of things. Here is a body of men assembled to represent the People, and a more full and complete representation of the People of the United States never did assemble, and, probably, never will again, within these walls. Here we are, and, as a final inducement to me to address this House, here we are also under the injunction of solemn duties.

The Clerk told us that he acted under the conviction of duty. I concede the point. He has acted, and he has pronounced his two decisions under the conviction of solemn duty. I do not question even whether that sense of duty was correctly applied in his two decisions, but I say that *we* are placed in a position, and that *we* have solemn duties too.

What is the first? To organize—to organize in some form or other. If there is difficulty in relation to any portion of us, we must do what Mr. Jefferson says was done when Lord Dunmore dissolved the Legislature of Virginia on a sudden. What did they do? They adjourned to a tavern—they constituted themselves a convention, and they acted as the Legislature of the State or Colony. They actually, instead of being assembled in the place from which the act of the Governor had excluded them, adjourned to another place, formed themselves into a convention, and there acted in the name of the State. This was irregular. Well, I think that on the 4th day of the session of the 26th Congress that is to be, if we can ever get organized, it is rather late to make objections on the score of irregularity. I address myself to you, therefore. I call upon you, in the name of the People, to organize; for you have not only duties to perform, but you are under a high responsibility to the People to perform that duty. Organize. When you have done that, you can undoubtedly take a question as heretofore. I now call upon the whole House to discharge that duty, and, in the discharge of *my* duty most reluctantly performed, I call upon the majority—that majority which has the power—to organize the House. Fellow-citizens, we have been recently told, in the official organ of the present Administration, that there is a majority of this House, without the members of New Jersey, or counting them as adverse, devoted to the Administration. And not only has the official organ stated this fact, but it has given the precise number of that majority as one hundred and twenty-one members, and every one of them here. One hundred and twenty-one! Now, I call upon those 121 members to organize the House. I call upon them, in the name of their country—I will not say in the name of the Administration, for I have no right to speak in their name—but I call upon that majority, in the name of that interest and policy which they think is the interest and policy of their country, to organize; and I offer to this assembly the following resolution—a resolution which lies upon the table of your Clerk, but which, like many others, is there in the limbo of vanity and the paradise of fools—because the Clerk has repeatedly said that he will not put the question. A member, a friend of mine from Kentucky, (Mr. Underwood,) this morning offered another resolution, and there are a number on the table which may go to the end of time and lie on the table—for the Clerk says he will not put the question on any one of them. We cannot control the Clerk—he is here a despot. So he has acted, and so he will act, unless you, by that native power which you possess from the People of the United States, set aside all his decisions, and act for yourselves.

This resolution, of which there is a copy on the table, was offered yesterday or the day before by the gentleman from Kentucky, (Mr. Graves.) A multitude of resolutions have been offered since, but they all went into the same position. It is in the following words:

*Resolved*, That the Acting Clerk of this House shall proceed with the call of the members from the different States of the Union in the usual way, calling the names of such members from New Jersey as hold the regular and legal commissions from the Executive of that State.

[Mr. Graves here, by permission, read a note which he had just addressed to the Clerk, asking if he would proceed to call the roll of the N. Jersey members, if a request in writing, signed by a majority of the whole house, were made to him. And Mr. Garland's reply, that he would only call the roll as he had made it out.]

Mr. ADAMS. I commenced this address to you, fellow-citizens, with the declaration that I should be under the painful necessity of appealing from the decision of the Clerk to the House, and I call upon the House and the majority of the House to set aside entirely his decisions, and to act for themselves. I have no doubt of their power to do it. Therefore in submitting this proposition, I have no reference to the Clerk, nor to any opinion of his. I propose that the House itself should act. It may, if it please, choose a temporary Clerk. It may take what course it thinks proper. I put this matter to the House and to the majority of the House, and I tell them that it is their duty to organize themselves, and that no decision of the Clerk can force upon them the organization of the House in any manner he may think proper. It is in the power of the House to set the Clerk aside; but it is not in the power of the House to obey his dictates—despotic as he is determined they shall be. The House, thank God, is not under the necessity of submitting to them; and I call upon you to set him aside.

If there is a majority of the House determined to set aside the five members from New Jersey who have produced their credentials at the table—credentials precisely similar to those of other members who have been called in this House, and to say they shall not be permitted to vote, *say so, say so.* Let the majority say so, and they are responsible to the People and to the world of mankind for that decision. In my private opinion I believe that they cannot say so; and in my private opinion I believe that it is the rights of the People of New Jersey that are at stake here. I say nothing of State sovereignty or the Governor of the State, but of the People. These five men come here with the authority required by the Constitution and laws, declaring themselves Representatives of the People of New Jersey; and the Constitution and the laws of the United States, and the laws of the State of New Jersey, have said that no other evidence shall be received of the will of the People. That is the evidence, and the only evidence, that has been presented. Now, that being so, these gentlemen come here and present it. You have already received one member presenting it. If you refuse the five others having the same evidence, it is not the members whom you turn out of this House and refuse to allow to vote—it is not them whom you outrage—it is the sovereign People of the State of New Jersey whom they represent. Whatever may be the ultimate determination of the House, here are men coming here under the forms prescribed by the Constitution and the laws for true Representatives of the State of New Jersey, in whom the rights of the People of that State are vested; and you cannot deprive them of that right without outraging the rights of the People of New Jersey. In their persons is vested the right of the People of New Jersey to be represented; and if you say that it is not so, that they shall not be received, it is the People of New Jersey whom you thus deprive of five-sixths of their representation.

Now, I have heard much of this respect for the rights of the People—of this contempt for the signature of a Governor of the State, and of her Council—and I have heard it said that here is a conflict between the rights of the People and the acts of the Governor and Council. Why, the Governor and Council are themselves the representatives of the People of New Jersey; and what constitutes a remarkable answer to this appeal to the rights of the People is, that long after this election had taken place—long after the exercise of the authority by which this commission was given—the People of New Jersey have been called to pronounce upon this very act, and re-elected that very Governor and that very Council by whom the certificate was given. [This remark produced much sensation in the House, and Mr. A. proceeded:]

And it struck me as strange that my honorable friend (Mr. Vanderpoel) who proposes to offer an amendment, in his appeals to the House about the rights of the People, whilst in the very act of flattering the People, sacrifices their rights and takes away their representation—because, if the members of New Jersey are not called, the People of New Jersey will not be represented. They will have no voice whatever on the all-important question on which we are to vote, for so I judge it to be from the full attendance which we find. At all events, that voice will be suppressed in the rate of five-sixths. This sort of hi[gh]

ship appears to me like something I have read of in the good book as occurring between two persons, where one approaching the other with a smiling face said, "Art thou in health, my brother?" and immediately gave him a stab under the fifth rib. This is precisely the friendship of the gentleman from New York. He proposes, as an evidence of his respect for the People, to deprive them of five-sixths of their representation. Now, the manifestations of love and affection are various, and different in different individuals. I do profess to have as much respect for the rights of the People as the gentleman from New York, who, I understand, is to be one of the leaders of this House, and of whom, therefore, I speak with great respect and reverence. His mode of protecting the rights of the People is to take away five-sixths of their representation in one of the most important transactions that this House could perform. My mode consists in letting them have their own; and, as they cannot have a double representation, because the Constitution will not allow it, I give them a representation in those persons who have the evidence which the People themselves have declared should be the only evidence to show what their will is.

These are the reasons why I have offered the resolution which lays on the Clerk's table.

[Mr. A. was here interrupted by much confusion, and the intermingling of many voices demanding "How shall the question be put—who will put the question?"]

Mr. ADAMS (whose voice reached the ear of the Reporter above the tumult) replied, "I intend to put the question myself."

Fellow citizens, I now wait to see what amendment shall be proposed to the resolution. After that, as I have said, I propose, from the necessity of the case, to put the question myself; because I protest against the Clerk being addressed at all. I appeal to the House—I appeal to a body possessing the power to act—I appeal to the majority of the House.

Mr. RHETT said, Does the Clerk determine he will not put a question?

The CLERK rising to reply, loud cries were raised in all parts of the Hall, "Answer that question! Yes or no, to that question!"

[The confusion was here so great that it was almost impossible to ascertain accurately the purport of what was said.]

The Clerk proceeded to state that he considered himself the Clerk of the House of Representatives, and not the chairman of a meeting.

[Cries of "Well—but you can answer a question, yes or no—say yes or no!"]

The CLERK proceeded to state that the Clerk of the House of Representatives, in accordance with past usage, was compelled to make out a roll of the members of the 26th Congress, to the best of his knowledge and ability, and under his own responsible sense of duty. Under that conviction, he had made out a roll on certain principles, which appeared to him to be true. Those principles he had not been permitted to state. He had not been allowed to explain the grounds upon which he had acted in performing, according to his sense of duty, the delicate charge which had been forced upon him. This first part of his duty being performed, he had, at the appointed hour of 12, proceeded, also according to usage, to call the roll. His duty was, when the roll was called, and a quorum was present, to put to the House all questions arising up to the time of the election of Speaker. All this the Clerk came prepared to do. In the call of the roll he was arrested——

[Very loud cries of "No! no! you were not arrested."]

The Clerk proceeded. Whether the Clerk was arrested or not is matter of no consideration; he was not allowed to get through his roll, or to determine what was a quorum of the House. He was prevented from performing that duty. The gentlemen present might act one way or the other—they might organize themselves, as was done in the first Congress. He could not now put questions as Clerk of the House, but, if it was the pleasure of the House, he could put questions as chairman of the meeting.

Mr. RHETT then offered a resolution that Lewis Williams, the oldest member of this body, be appointed a Chairman to serve until the House be organized by the election of Speaker.

Mr. LEWIS WILLIAMS objected. The proceeding contemplated in the resolution was out of form. He was for adhering to the invariable usage of the House.

Mr. BRIGGS said he understood the Clerk to be willing to put questions.

The CLERK. I am willing to put any question, if the principle on which I do so is clearly comprehended; namely, that I do it in the capacity of chairman of the gentlemen present.

Mr. W. COST JOHNSON. I object, sir, to your putting questions as chairman.

[Great uproar and confusion here prevailed throughout the Hall.]

Mr. PROFFIT rose, and, addressing the Clerk, said, you say that you were arrested in the discharge of your duty. I, as a gentlemen and a junior member of this body, have a right to protect myself from this allegation. In the exercise of that right, I ask you now, as a gentleman, to say who arrested you.

The CLERK. Probably I have used a wrong term in saying I was arrested. I will now change the form of the expression, and say, I was not allowed to go on.

Mr. PROFFIT. I understand you to retreat from your position, and to say you were not arrested. Then, I ask you to proceed—I call upon you to proceed, and let any gentleman object if he is so disposed. Why do you not proceed, sir! Here we are waiting for you. I call upon you to proceed.

Mr. RHETT then modified his resolution by introducing the name of Mr. J. Q. Adams instead of that of Mr. Williams. Mr. R. then put the question himself to the House; and the resolution was carried apparently by a large majority.

Whereupon Mr. Adams was conducted to the Chair by several members.

[During these proceedings there was much noise in the Hall, from various members endeavoring to be heard, and from loud conversation, producing apparent confusion; but nothing like intended disorder. When Mr. Adams took the Chair, there was also a momentary manifestation of feeling in one of the crowded galleries, by clapping of hands, &c., which induced some members to move that the galleries be cleared, but the irregularity in the gallery having immediately ceased, the motions were not pressed.]

Mr. MERCER then moved that the rules of the last Congress be adopted for the temporary government of the House during the preliminary proceedings, which motion was unanimously agreed to.

Mr. WISE then offered the following resolution:

*Resolved*, That the Acting Clerk of this House shall proceed with the call of the Members from the different States of the Union in the usual way, calling the names of such members from New Jersey as hold the regular and legal commissions from the Executive of that State.

The House then, on motion of Mr. W. C. JOHNSON, adjourned.

### FRIDAY, DEC. 6.

Mr. Adams took the Chair. Mr. Rhett moved to lay Mr. Wise's resolution on the table, for the purpose of offering another, that the House should at once proceed to the consideration of the contested elections. A division was called for on this question. Tellers were appointed, who asked the Chair, who were to be allowed to vote! The Chair replied.—"Those who possess commissions in conformity with the constitution and laws." Mr. Dromgoole said he did not know who had such commissions. Mr. Adams replied, that the Clerk had stated that five N. Jersey members held commissions similar to that of Mr. Randolph, whom he had recognized as a member.

Mr. Vanderpoel appealed from this decision, which he denounced as a gross act of usurpation. Thereupon a warm debate sprung up, which consumed the whole day.

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Instead of General Jackson's death, which was some time ago reported, a Tennessee paper says he has gained *fifty* pounds in flesh since the suspension of the United States Bank.

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A personal friend of Colonel Richard M. Johnson assures us that our Washington correspondent is mistaken in saying that that gentlemen will not consent to be again a candidate for the Vice Presidency. He will not, we learn, withdraw his name, and his friends will press his claims to a second election.—*Eve. Post.*


# OBSERVER.

FAYETTEVILLE:

WEDNESDAY, DECEMBER 11, 1839.


HARD TIMES.—Money is very scarce in this place. As they say in New York, it is *tight*. If any of our readers in the country happen to owe any thing in town, there never was a time when the creditors would be more rejoiced to write receipts. From this remark, WE by no means wish to be regarded as an exception.

THE RAIL ROAD.—As Mr. Colton's engagements at the Donaldson Academy do not terminate until the 1st of January, and it was necessary that immediate action be had, to secure some large conditional subscriptions, Maj. Duncan G. MacRae, who was likewise commissioned by the Board as an Agent, has proceeded to the Western counties, to obtain subscriptions. We trust that he will meet with success commensurate with the importance of the work.

CONGRESS.—We have occupied much space in to-day's paper with an account, abridged from the National Intelligencer, of the very extraordinary doings of the House of Representatives, or rather of the debates growing out of the strange conduct of the Clerk of that body. That our readers may have a *fair* view of the subject, we have given the leading speeches on both sides. From these, it appears to us that no right-minded man can arrive at any other conclusion, than that the course of the Clerk, said to have been forced on him by his party, is inconsistent with itself, highly improper, and deserving of the severest rebuke.

The Intelligencer states that every member of the House, except Mr. Kempshall, of N. York, (Whig,) was at his post on Monday, and that Mr. Ingersoll, claiming Mr. Naylor's seat, and the five New Jersey claimants, were also present. Mr. Kempshall "was detained at home by circumstances which no true-hearted man will blame him for yielding to." Such a full attendance is without a parallel, and will probably ever remain so.

The galleries and lobbies were filled, each day, with hundreds of spectators, but we are happy to find that good order was maintained, and good feeling preserved by the speakers and spectators, with scarcely an exception.

Of the selection of Mr. Adams as Speaker *pro tempore*, the Intelligencer says,—

"The action of the House was quite sudden. But, had it been the result of the longest deliberation, no movement could have been more proper or more consistent with the dignity of the Representative body, than the placing in the Chair, to preside over the deliberations which are to precede the regular organization of the House, the venerable Member from Massachusetts, distinguished yet less by his eminent abilities and the public services he has rendered than by the stainless purity of his private life. It was a perception of the fitness of this selection probably, and the satisfaction which every good citizen must feel at seeing the first happy movement towards a solution of the perplexity in which the House has been placed, that drew forth audible expressions of approbation from the galleries. We are almost sure that nothing of a party feeling mingled with this ebullition. It was very properly rebuked, however, and soon checked; and we trust will never be repeated by those who entertain the respect which is due as well to the dignity of the House as to the rights and feelings of those who compose it."

The Intelligencer's account is only to Friday evening, but we have a letter from Washington, giving the following particulars of Saturday's doings:—

"This day, that far-famed statesman, Dr. Duncan, from the banks of the Little Miami and Sycamore Creek, who had been trying to gain the floor for several days, endeavored immediately after the Journal of yesterday had been read, to commence, but he was interrupted on a question of amending the phraseology of the Journal, and a debate on this matter arose which continued an hour and a half, toward the latter part of which there was considerable confusion. It was proposed to submit the matter to a Committee composed of equal numbers of both parties—not palateable to the majority. The Doctor at length began, and many of the members immediately left the Hall, as did also many spectators leave the galleries—so attractive were his remarks expected to be! He continued in a strain of most con-ummate nonsense, stupidity and vulgarity, for about an hour, and then directed the Clerk to read the evidence in favor of the Van Buren claimants from New Jersey—during the reading of which I *Swartwouted!* Very soon after I left, I observed that the House had adjourned. Nothing done, of course."

We regret that we have not room for the whole of our correspondent's spirited epistle; and still more to learn that his arrangements will deprive us of his aid as a regular correspondent. We shall endeavor to supply his place.

Thus ended one week of the session, in which the only sensible thing *done*, was the election of Mr. Adams as Speaker *pro tem*. As it is probable that the contested elections will be settled before the house is organized, we may not receive the President's Message earlier than next month.

THE SPEAKERSHIP.—It is said that the various sections of the Tory party have been at much loss to agree upon their candidate for Speaker. The Calhoun branch favored Pickens, or Lewis. But Benton, who is bitterly hostile to Calhoun, because he fears that he will be in *his* way, entered the field himself, in the Caucus, and insisted on the claims of his friend Jones of Va., who was accordingly agreed upon by a large majority. The Madisonian says that Benton denounced Calhoun and his friends, Nullification, &c.

THE HARRISBURG CONVENTION.—This great Whig Convention, for the selection of Candidates for President and Vice President, assembled on Wednesday last. Twenty-two States were represented, by upwards of 200 Delegates, of whom 12 out of the 15 from North Carolina were present.

The States unrepresented, were, Tennessee, Georgia, S. Carolina, and Arkansas.

The following Delegates were chosen to preside:

*For President.*

JAMES BARBOUR, ex- Governor of Virginia.

*For Vice Presidents.*

J. L. PETERS, ex-Governor of Connecticut.
J. A. SCHULTZ, ex-Governor of Pennsylvania.
DAVID HAZARD, ex-Governor of Delaware.
GEORGE HOWARD, ex-Governor of Maryland.
JOHN TYLER, ex-Governor of Virginia.
JOHN OWEN, ex-Governor of North Carolina.
THOS. METCALFE, ex-Governor af Kentucky.
PETER R. LIVINGSTON, of New York.
JACOB BURNET, of Ohio.
I. C. BATES, of Massachusetts.
J. WILSON, of New Hampshire.
E. M. HUNTINGTON, of Indiana.
EPHRAIM MARSCH, of New Jersey.

We have not heard the result, and letters from Harrisburg express various opinions as to the probable nominees. One letter says the votes will stand, for Clay 103, Harrison 100, Scott 50. It was expected that the friends of Scott would go for Clay.

It was said that Mr. Clay had written a letter expressing his desire for unanimity, and determination cordially to support the nominee, whoever he be.

Gen. Scott, too, had written that Mr. Clay ought to be the candidate, but that, if the enterprize be considered a forlorn hope, he is willing to enter upon it.

With Henry Clay as our candidate, it will be far from a forlorn hope!

S. C. NOTES.—We understand that the Cape Fear Bank in this place now receives the notes of the S. C. Banks, except of the Georgetown Bank. They are rather sought after in the streets by individuals.

The Agency of the Bank of the State in Charlotte, receives all notes payable in Charleston.

FOREIGN.—*Important.*—The Steamer Liverpool arrived at New York on Thursday last, in 19 days from Liverpool, bringing papers to the 16th ult. She carried out the intelligence of the suspension in this country, and brings back the first news of its effect. We are happy to find that it produced no panic in Europe; but that money was easier; the rate of interest had fallen to 5½ per cent., and large sums in specie had been received.

All American bills had been duly honored. Mr. Jaudon had sustained the credit of the U. S. Bank.

Nothing was doing in American stocks, except U. S. Bank, which sold at £16, equal to about $78.

The refusal of the N. York and Boston Banks to suspend, contributed greatly to sustain confidence.

A serious Riot had broken out in the mining districts of Wales. Thousands of Chartists, some having arms, marched upon Newport, wounded the Mayor and others, and were then fired on by the military (60 in number.) 20 of the Chartists were killed, a number wounded, and the others fled. The ring-leaders had been secured.

In France, numerous bankruptcies have occurred.

Gen. Bernard, formerly at the head of the U. S. Engineer Corps, died at Paris.

The Cotton market had improved ¼d. up to Nov. 9, and about another ¼d. up to the 15th. The quotations of Uplands on the 15th were 5⅞ to 8d. Sales of the two weeks, rather large. Stock on hand, Nov. 8, 323,100 bales, against 484.500 last year.

The character of the news may be best estimated by its effect in New York. It produced a cheerful feeling. Stocks rose, U. S. Bank from 67 to 76½.—The impression is, that things have touched bottom, and that brighter prospects are ahead.

Mr. Webster is to return in the packet of Dec. 1st.

American Flour had declined 1s. per bbl.

The Rev. Wm. Hooper, formerly Professor in the University of North Carolina, has been appointed Professor of Greek and Roman Literature in Columbia College, South Carolina.

VIRGINIA.—The Legislature met on the 2d inst. Mr. Nash (Van) was re-elected Speaker of the Senate, and Mr. Gilmer (Whig) Speaker of the House, both without opposition.

No balloting, as yet, for Senator or Governor.

MORE BACKING OUT!—Our readers will recollect the facility with which the Tennessee Tories backed out from their war against the Banks. We have now to record a similar result to the Georgia war. We learn from the Georgia Journal, that before the election, the cry was, "down with the Banks! away with monopolies! war to the hilt!" and such like. But now they have shrunk from the responsibility. As one of the party in the Legislature *said*, so they *did*.

"I am a Union man, (said he,) and as sincerely and ardently devoted to the great doctrines of that party as any man in its ranks. I have never failed to give evidence of that devotion, but I venture now to predict, if a system of warfare be carried out against the banks, in the present prostrate and embarrassed condition of the country, that the eternal *death knell of that party is sounded.* They being the majority must and will be *held responsible for all that is done.*"

Why one would think that this was the very time to prosecute the "warfare," and that the party would glory in being "held responsible." But no! The demagogues have found it a capital humbug to electioneer upon, but they dare not put it in practice; thereby showing, not only that they have been wrong, but that they know it, and have known it all along.

ANOTHER!—A bill to do away with the penalties attached to the suspension, in other words to legalize the suspension, has passed the Virginia House of Delegates, 83 to 40. As the Whig majority is only about 10 in that House, it is evident that many Tories voted for the bill.

PRECEPT *vs.* PRACTICE.—The following good thing is from the Charlotte Journal:—

*Precept*—I wish the banks were all broke, they are a set of swindling, shaving machines. No honest man will have any thing to do with them, they are ruining the country. Come on Democrats, let us break them all down, and then Gold and Silver will be plenty. *Practice*—I would pay you but the banks will not discount. I offered a note with undoubted security, and although the notes of Mr. A. and Mr. B. were discounted, I could not get an accommodation. Really I shall be hard run unless the Banks will favor me.

EXPLANATION.—Not one of our readers can have forgotten how often we have charged the Carolinian with permitting a writer to palm off upon its readers *the letter* from Dr. Montgomery to Mr. Holmes, the Editor of the Carolinian, as *two letters*. No denial of this charge has ever been made, so far as we recollect, until Saturday last, when the Carolinian declared that there were *actually two letters*. We confess that we are surprised, and it is due alike to ourself and to our readers that we should exhibit the evidence on which we made the charge. We proceed to do so.

In the first place, be it observed, Mr. Morris did not pretend that he read more than *one letter* from Dr. M. to Mr. Holmes, at Richmond Court in July.

In the Carolinian of July 27th, the Editor himself says, "the charges as to Mr. Deberry's votes, mentioned in Dr. Montgomery's letter," &c.

In the same paper, the Editor again says, "We have not received a copy of Dr. M's *letter*, and did not keep one; neither have we the Journal or Journals alluded to, if we had the *letter*." [The Editor had given the original to Mr. Morris.]

In the Carolinian of Aug. 3d, a writer introduces the *letter*, spoken of above, as *two* letters, and for the reason, as it appeared to us, that it was desirable to make the people believe, that *the letters* written by Dr. M. (the one to Mr. Holmes and the other to Mr. Leak,) had both been published. The Whigs called loudly for *the letters;* and by making two out of one, their opponents could reply, "here are the letters." But we proceed with the evidence.

On the 8th of Aug. the Carolinian published a letter from Dr. M. to Mr. Leak, in which the Dr. says, "I regret to learn that my *letter* to Mr. Holmes," &c.

Afterwards, in a paper which we cannot lay our hands upon, we *think* the Editor said that he had forwarded Dr. Montgomery's original *letter* back to him.

In the Carolinian of the 28th Sept. the Editor *himself* says, "Mr. Morris, in his public addresses and private communications in allusion to the facts stated in Dr. Montgomery's *letter* to the Editor of this paper," &c. And in the Carolinian of the same date, is inserted a letter from Mr. Morris, in which he speaks of the *letter* to Mr. Holmes no less than *twenty-one times*, and *not once* does he speak of it as *two letters*. Moreover, Mr. Morris speaks of the *"list of reference* to the pages of the Journal *furnished by Dr. Montgomery's communication* to H. L. Holmes, Esq."—thus identifying the "list of reference" with the letter itself, not as *two*, but as *one*, although they had, nearly two months before, been *published as two.*

In the Carolinian of the 26th Oct. we find a communication from Dr. Montgomery, in which he says, "Some time during the Spring, I wrote a short *letter* to the Editor of the North Carolinian, asking the publication of a short statement I had taken of the votes from the Journals, making the appropriations for the year 1838. That *Letter*, by some means, was made public." Here is another identification of the *two* letters as *one*.

We confess that the positive assertion in last Saturday's Carolinian, that there were *two* letters, places this subject in a knotty point of view to us. But we have no design to comment on the matter. All we wished to do, was, to recapitulate the facts, derived from the Carolinian itself, on which the charge was founded, and to show the Editor that it was not made heedlessly or at random. The Editor says that there were two letters, and we desire to have nothing more to do with the subject.

The Carolinian of last Saturday assures us, that its Editor never either threatened or thought of "writing the Observer down." This denial, now for the first time made, puts us in another quandary. We have the equally positive assertion of a gentleman that the Editor did so threaten. But let that pass. We merely mention it to show the Editor, that in this, as in the other case, we had authority for our statement. The Editor has made a *declaration of peace*, on personal matters, and we have not the slightest disposition or intention to interrupt it.

The Carolinian asks us why we did not let our readers know that the scheme for throwing the State debts upon the general government, was originated by Webb, the Editor of the Courier and Enquirer, a Whig paper, and taken up by Noah, of the Evening Star. We answer,—because we did not know such to be the facts. We do not exchange with either Webb's or Noah's paper, and have not seen one of them for months. And further, we have never seen the scheme mentioned by any Whig paper but to be denounced. We thought *we* had denounced it, with sufficient distinctness, but as the Carolinian seems to think not, we add, that in no view of it could it receive the slightest favor at our hands.

The Carolinian says we "did not give the whole scheme." If we did not, it was because we never saw the whole scheme. But the whole matter is too absurd to dwell upon. With as much justice might we charge the administration with the scheme, because Mr. Calhoun is said to favor it, as the Carolinian can charge the Whigs with it, because some visionary Whig advocates it.

P. S.—We find an extract from Noah's Star, in the Express, which shows that paper to be hostile to the scheme, and not favorable to it, as the Carolinian says.

The British Queen, which sailed from New York on the 2d inst., is supposed to have taken from a half to a million of dollars in specie, an immense amount of bills of exchange, and a great deal of freight, among which were 1000 barrels of apples! Large amounts of specie have arrived at New York.

Mr. Michael E. Israel, Cashier of the Western Bank of Philadelphia, attempted to commit suicide by shooting, on the 4th inst. in consequence of the discovery that he was a defaulter to the amount of $12,000.

Major Lawrence Lewis, nephew of Gen. Washington, died on the 20th ult. in the 73d year of his age. He was the last of Washington's near blood relations.

The Carolinian asks if Mr. Clay's friends do not "avow that a public debt is a public blessing?" We answer, No! Mr. Clay's friends neither avow nor think any such thing; though some of them doubtless think a State, as well as an individual, may sometimes go in debt to its own advantage. Even the Carolinian has urged the creation of a public debt, for the purpose of building our Rail Road. It even wished our small town to borrow $500,000 for that purpose. Now, we think, that the State had better owe fifty millions than this town half a million. The State could borrow that sum upon better terms, and could more easily pay it, than the town could borrow or pay half a million. We recollect the shout of approbation with which the Carolinian hailed the borrowing of two millions by the State of South Carolina. "This, (exclaimed the Carolinian,) is practical nullification; the true constitutional State rights doctrine, and emphatically the rightful remedy for all the evils that impede State Independence." This blowing hot and cold—at one time abusing the Whigs as favoring a public debt, and at another lauding a public debt himself, looks a little like inconsistency.

THE *Rev.* Mr. FISK.—We noticed, a week or two ago, the severe remarks of the Norfolk Beacon, one of the most respectable Administration papers in the country, against the above named individual, the Editor of the "Old Dominion." The Junior Editor of that paper has sent us Mr. Fisk's reply, with the remark, that he thinks we will not fail to do justice in the premises. We probably never before saw Mr. Fisk's paper, but we had seen a sufficiency of extracts from it to produce utter abhorrence of his principles—abhorrence which was only increased by the Beacon's charge of his being an abolitionist. We have no hesitation in saying, however, that if Mr. Fisk's defence is to be relied on, he is guiltless of the sin of abolitionism.

### RIGHT OF INSTRUCTION.

Where a Representative acknowledges the Right of Instruction, as it is called, he is certainly bound to pay respect to the will of his constituents, however ascertained. To enforce obedience, it should not be necessary to use the word INSTRUCT; a simple request ought to be as binding as more mandatory phraseology. Such, we perceive, is Judge White's understanding of the matter, as evidenced by the following extract from his recent Letter:

"I have long been an advocate for the doctrine of instructions, and am of opinion that when a Senator receives instructions from the Legislature of his State upon any subject, when no constitutional question is involved, he ought to conform his conduct and vote, to such instructions, or resign, and I have never been able to see any good reason why the expression of an opinion by the Legislature should not be considered as instructions, although no express instructions accompany such expression of opinion, unless the Legislature say they do not intend an expression of their opinion to control the conduct or votes of their Senators.

I have considered a Senator as the agent or trustee of the People of his State, and that he ought to carry into effect, so far as in his power, the sentiments of a majority of the people he represents upon all subjects, when he can do so, without violating the constitution. He ought to suppose the Legislature, who are his immediate constituents, express no opinions, or give no instructions which do not accord with the sentiments of a majority of the people, and if he does not conform his conduct to the expressed opinion of the people, through the agency of the Legislature, he is guilty of a breach of trust, and does not faithfully represent his State."

How finely do such sentiments contrast with the shuffling, evasive conduct of the North Carolina Senators! They pretend to be firm advocates of the doctrine, but yet avail themselves of a miserable *quibble* to hold on to their seats. The Legislature told them, in explicit language, what they wanted done, but because it did not say, WE COMMAND you to do thus and so, Messrs. Brown and Strange affect to consider the obligation, neither of obedience or resignation, imperative upon them. And the consistent party, to which they belong, take occasion in their primary meetings, to compliment our recusant Senators for their firmness and patriotism in refusing to conform to the will of the Legislature—that is, the will of the people! Of all the *cants*, in this *canting* world, save us from the *cant* of humbugging politicians, say we.

*Raleigh Register.*

### *From the Postmaster General.*

The following is an extract from the Regulations of the Post Office Department:

☞ *Remittances by Mail.*—"A Postmaster may enclose money in a letter to the publisher of a newspaper to pay the subscription of a third person, and frank the letter if written by himself."

*More War.*—We learn that a serious and extended excitement exists among the tenantry of the Van Rensselaer estate in the county of Albany, at certain legal proceedings of the new *Patroon*. The tenants in great numbers—some accounts say twenty-five hundred—are armed and equipped for actual resistance to the sheriff and his officers. On Saturday the sheriff summoned the *posse comitatus*, requiring each citizen to meet him at his office this (Monday) morning, for the purpose of enforcing the laws.

*N. Y. Gaz.*

Mr. Editor Norvell, of the Nashville Whig, and Mr. Senator Norvell, of Michigan, are brothers. The former gives the latter the following very brotherly admonition: "We hope our Loco Foco kinsman, of Michigan, will take warning from the signs of the times, and flee from the wrath to come. He has three years left in which to repent of his political sins, and, in all fraternal kindness, we advise him to go about it straight."

Mr. Henderson, the Texan Ambassador, has been arrested here for a debt of $1,500. He pleads his personal inviolability as a Foreign Ambassador, and the case thus made becomes one of a good deal of interest, which the Superior Court will decide on Monday next. The Star, in an apologetic article, states that the debt is a disputable one, and the Plaintiffs have taken unfair means to collect it, which is the cause of the plea put in. It is quite time, it seems to me, that this outrage of imprisonment of strangers, almost without trial, and on a plaintiff's averment, was done away with. New York is becoming hideous as the stranger's jail.

*Correspondence Nat. Int.*

FROM THE VOICE OF SUMTER (ALABAMA.)

*War! War!*—It seems from the following extract which we take from the Moulton Banner, of the 12th inst. that our Democratic friends in Lawrence County have departed from the good old Democratic way, (*fisticuff*,) of doing business; but truly, as the editor remarks, the cause of all this is the *grog-shop*. Read his account of the affair:

"On last Thursday, (it being the day of our Regimental Review,) our hitherto peaceful little Village was made the scene of a most disgraceful *battle royal*; in every sense of the word it was a battle royal. After the Review was over and the Regiment had returned to the Village, on being dismissed, the *Commanding Officer* rode along the line and invited the companies to the grocery, (himself taking the lead) to *take something to drink!* The whole Regiment (or nearly all) instantly broke for the grocery as hard as they could run; the house was soon filled and a great many outside around the door. In a very short time the most uproarious noise was heard issuing from within the grocery, and a fight was announced (as a matter of course.) Probably there were in and about the grocery 3 or 400 persons. The belligerents having got out of the house, and from what we could see, being some distance off, it appeared that the whole crowd was engaged in one general assault on each other; stones, brickbats, clubs and every other missile that could be got hold of was hurled at each other with demon-like fury. Some of our Villagers who had pushed into the crowd to assist in restoring order, were knocked down and otherwise injured in endeavoring to restore order and quiet. Several justices of the Peace and Constables were on the ground, but no arrests were made, until late in the evening one individual was arrested and bound over for his appearance at Court. Several persons were injured severely in the fracas."

A new county is to be established in East Tennessee by the name of *Polk*. The bill proposes to baptise the county town *Benton*. In the House this morning Mr. Parker moved to strike out *Benton* and insert *Chapel Hill!* The motion was negatived.

### FAYETTEVILLE MARKET—DECEMBER 11.

| | | | | | |
|---|---|---|---|---|---|
| Brandy, peach. | 45 | a 50 | Lime, | $2½ | a $2½ |
| Ditto, apple, | 40 | a 45 | Lead, bar, | 8 | a 8½ |
| Bacon, | 11 | a 12½ | Mackerel, (none.) | | |
| Beeswax, | 23 | a 25 | Molasses, | 36 | a 40 |
| Butter, | 17 | a 22 | Oats, | 40 | |
| Bale Rope, | 8 | a 12 | Oil. Linseed | 80 | a 90 |
| Coffee, | 12½ | a 13½ | Nails, cut, | 7½ | |
| Cotton, | 8½ | a 9½ | Powder, keg, | $6½ | |
| Cotton Yarn, | 18 | a 22 | Rags, | 2½ | |
| Cotton Bag'ng, | 16 | a 20 | Sugar, brown, | 8 | a 12½ |
| Corn, | 55 | a 60 | Lump, | 16 | |
| Copperas, | 3 | a 3⅓ | Loaf, | 18 | a 20 |
| Candles. F. F. | 18 | a 20 | Salt, | 80 | a 90 |
| Flour, new | $5 | a $5½ | Sack, | $2½ | a $3 |
| Feathers, | 45 | | Tallow, | 11 | |
| Flaxseed, | $1 | a $1 20 | Tin, box, | $14 | |
| Hides, green, | 4 | a 5 | Tobacco, leaf, | 4½ | a 5½ |
| dry, | 12½ | a 14 | Wheat, new | 80 | a 90 |
| Iron, | 5½ | a 6 | Whiskey, | 40 | |
| Lard, | 12 | | Wool, | 17 | a 20 |

### WILMINGTON MARKET—DECEMBER 6.

Turpentine $2 25; Tar 1 00; Steam Mill Lumber 13 00 a 20 00; River Lumber, viz:—Wide Boards 7 00 a 7 50; Flooring 10 00; Scantling 5 00; Timber 5 00 a 7 00; Staves, W. O. rough, none; dressed 35 00; R. O. rough 10 00; Shingles 2 00 a 4 00; Corn 60 a 70; Salt, coarse 35 a 45; Rice 3 00 a 3 50.

### CHERAW MARKET—December 6.

Bacon 11 to 12; Beeswax 20 to 23; Coffee 12½ to 15; Cotton 8 to 8¾; Corn 62½; Flour 4 75; Feathers 40 to 45; Iron 5½ to 6½; Lime 4 to 4½; Molasses 45 to 50; Nails, cut, 7½ to 9; Sugar 10 to 12½; Salt, sack, 3 25 to 3 50.

### NEW YORK MARKET—Dec. 6.

Upland Cotton 9¼ to 11½; stock in port only 2000 bales. Flour 6 to 6 25. The arrival of the Liverpool had no effect on Cotton.

Cotton at Columbus, (Geo.) 6 to 7 cents. At Charleston 8 to 10½.


## Nicholas Nickelby.

THIS popular Novel, by Boz, just received. Also, The American Almanac for 1840, American Poets, a beautiful work; The Gift for 1840; Youth's Keepsake; Chevallier's Travels in the U. S.; Ladies' Annual Register; Cooper's Naval History; Benjamin's Architect; Southern and Missouri Harmonies; Ready Reckoner; Bickersteth on Prayer; Faber on Infidelity; President's Messages, from 1789 to 1839; &c. &c.

E. J. HALE.

## Five Dollars Reward.

STRAYED or stolen from the Subscriber, on Saturday of the Fair (16th November) at Laurel Hill, a light sorrel MARE, with a red mane and tail, and a star in her forehead; about fourteen hands and a half high. I will give the above reward to any person who will deliver me said Mare, or any information respecting her will be thankfully received by the subscriber.

DANIEL McKENZIE.

*Big Rockfish, Cumberland county, N. C., December 10, 1839.* 75-3t


## POSTSCRIPT.

FROM HARRISBURG.

A letter from a Delegate, dated Friday last, informs us that nothing had been decided on. A committee of three from each State, (Messrs. Owen, Kelly, and Kinney for N. C.) had been appointed to select and report the nominees. They balloted five times. On the first, Clay had Connecticut, Rhode Island, Delaware, Maryland, N. Carolina, Virginia, Alabama, Louisiana, Mississippi, Missouri, Kentucky, and Illinois—12 States. Harrison had New Hampshire, Maine, Massachusetts, Pennsylvania, Ohio, Michigan and Indiana—7 States. Scott had Vermont, New York, New Jersey—3 States.

On the last balloting, Vermont and New York went for Harrison, and leaving only Connecticut & New Jersey for Scott. The committee would report on Friday. It was hoped that Clay would be nominated. It would be the sheerest folly to nominate a candidate for the States of Maine, New Hampshire and Pennsylvania, which it is impossible that any Whig can carry. The Convention was not expected to adjourn earlier than yesterday.

Extract of a Letter to the Editor, dated

"WASHINGTON, Dec. 8.

"God knows when we shall organize, but I think a few days more may bring us together, from the necessity of proceeding to business.

"You need not be surprised if the elections for officers of the House should go against us, for such is my present impression; but the vote will be close in them all."

MARRIED,

In this county, on the 21st ultimo, Mr. JAMES CROW to Miss ELIZA JANE HOLMES, eldest daughter of Mr. George Holmes.

In Montgomery county, on the 28th ult., by A. Graham, Esq., Mr. BENJAMIN HAYWOOD to Miss SARAH DUNN, daughter of Mr. Bartholomew Dunn.

DIED,

In this vicinity, yesterday morning, Dr. WM. H. MAFFITT.

In Wilmington, on the 3d inst., of a Pulmonary disease, ELIZABETH OBEDIENCE WATSON, aged 20 years, only child of Dr. Josiah O. Watson, of the county of Johnston.

Departed this life, at her residence in this county, on Lower Little River, on the 5th inst., Mrs. ISABELLA MORISON, the venerable relict of the late Mr. Roderick Morison, in the 92d year of her age. Mrs. Morison has for many years maintained the character of an exemplary and consistent follower of Christ. She was born and brought up in Scotland, but has resided in this country for more than half a century. She had been, for some years anterior to her leaving her native country, a member of the Presbyterian Church, and she continued in the communion of, and attached to that Church, as long as she lived. In her latter years, being confined to her house by the infirmities of old age, she gave herself much to reading, and the Word of God was her chief and chosen companion.—*Communicated.*

At his residence in Moore county, on the 5th inst. DUNCAN MURCHISON, Sen'r, in the 76th year of his age, leaving an aged widow and children, and many friends to mourn their loss. The deceased was a worthy and respectable citizen, and for many years a member of the Presbyterian Church, and died in the full hope of exchanging a world of sorrow and trouble for a world of joy and immortality.—*Com.*

In Rockingham, Richmond county, on the 20th ult., MARTHA ABIGAIL, infant daughter of Shadrach and Ann Sedberry, aged 1 year, 8 months and 8 days.

Weep not for me my parents dear,
I have gone to rest, you need not fear;
This world is folly you plainly see,
Therefore prepare to follow me.

[*Communicated.*

## Port of Wilmington.

FROM THE WILMINGTON ADVERTISER.

ARRIVALS.

Nov. 28.—Brig Temperance from Plymouth.—29.—Ship Eliza & Abby from Providence.

Dec. 1.—Brig Millinoket from Martinique. Schrs. Palestine from Charleston, Olive from do., Adeline from Jacksonville, Vanda from St. Thomas. 3.—Brigs Emerald, New York and Pavo from Charleston; Schrs. Southerner from New York, Phœbe & Eliza from Jacksonville, Orozembo from Charleston. 5.—Schr. Julian from Charleston.

DEPARTURES.

Nov. 29.—Brig Perseverence for Havana; Br. Schr. Ermina for Nassau, N. P. December 2.—Brig Pandore for Matanzas. 3.—Brig Franklin for St. Jago de Cuba. 4.—Schr. Laurel for N. York.

## COMMERCIAL RECORD.

ARRIVED, Dec. 10, Steamer Henrietta, with Goods for merchants of this town and the interior.

DEPARTED, on the 5th, and again on the 10th, Steamer Henrietta, with Produce for sundry merchants of this town.


*Received per Steamer Henrietta,*

19 HHDS. New Crop Surinam MOLASSES, 10 bbls. No. 3 MACKEREL.

SAM'L W. TILLINGHAST.

*December 11, 1839.* 75-*tf*

## FAYETTEVILLE FEMALE SEMINARY.

PUPILS are charged from time of entrance to close of session. No deduction for absence, except in case of sickness.

The Academic year commenced on the 14th of October, and closes on the 18th of July following.

The year is divided into two Sessions of twenty weeks each.

TERMS—IN ADVANCE:

| | | | |
|---|---|---|---|
| Elementary Department or 2d Class, | $8 | per | Session. |
| First Class, | 16 | " | " |
| French Language, | 10 | " | " |
| Drawing and Painting, | 10 | " | " |
| Music on Piano Forte, accompanied by the voice, | 25 | " | " |
| Music on Guitar, | 25 | " | " |
| Use of Piano, | 3 | " | " |
| Incidentals, | 50 cents. | | |

*November 28, 1839.* 75-tf

## CROCKERY.

50 CRATES of Crockery—assorted expressly for the Country Trade. For sale by

CHARLES T. HAIGH.

Dec. 3, 1839. 74-3t

SWAIM'S NORTH CAROLINA JUSTICE,

Containing a summary statement of the Statutes and Common Law of this State, together with the Decisions of the Supreme Court, and all the most approved Forms and Precedents, relating to the office and duty of a *Justice of the Peace*, and other Public Officers, according to modern practice.

THE Subscribers having purchased of the Author, the whole edition of this valuable Work, now offer it for Sale, to the Public. It is pronounced by those, competent to judge, one of the most valuable compilations of the kind ever published in the State, and absolutely indispensable to the faithful discharge of official duty.

For convenience of reference, this work is divided into Chapters alphabetically arranged, corresponding precisely with those of the new Revised Statutes. Each Chapter consists of three departments: 1st, a summary of the Statute Law, briefly stated. 2d, a concise statement of the points relating to the subject of the Chapter, so far as settled, either by the decisions of the Courts, or by the books of the highest authority on the Common Law. 3d, the Forms and Precedents, necessary for applying the subject matter of each Chapter, accompanied with such Notes and observations as appear necessary to render

## LAFAYETTE HOTEL,
FAYETTEVILLE, N. CAROLINA.

THIS ESTABLISHMENT will be open after the 1st of August, under the management and direction of the Subscriber. The House has been thoroughly repaired, and will, in a few days, be well furnished; and every effort will be made to render it worthy of patronage.

EDWARD YARBROUGH.

*July* 30, 1839. 56tf

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### J. & J. KYLE

HAVE just received by the late arrivals from the North, a large and splendid assortment of

## DRY GOODS,

*Among which are:*

Superfine Blue, Black, Brown, Olive, Oxford-mixed Drab, Green and Wine colored CLOTHS,
CASSIMERES, well assorted,
Sattinets, Kentucky Jeans, and Erminets,
Superior Vesting,
278 pieces 3-4 and 6-4 Merinos,
345 do 3-4 and 6-4 Muslin-de-Lane,
1298 do Calicoes, well assorted,
Cambrics, Jaconets, and plain Muslin,
39 bales 3-4, 4-4 and 5-4 Shirting and Sheeting, bleached and brown,
65 pieces super. Silks, well assorted,
Merino, Cashmere and Blanket Shawls,
Muslin-de-Lane Shawls and Scarfs, &c. &c., comprising one of the largest Stocks of Goods ever offered in this State,—all of which being bought at the late sales at the North, will be offered at reduced prices, by wholesale or retail.

*October* 1, 1839. 65tf

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THE FARMERS' AND PLANTERS'

## LARGE ALMANAC
**FOR 1840.**

20 GROSS just received and for sale by

C. J. ORRELL.

*Sept.* 17, 1839. 63tf

☞ They may also be had at the Book Store of E. J. HALE.

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## NEW GOODS.

THE SUBSCRIBER has received his FALL and WINTER SUPPLY OF GOODS, embracing a general assortment of

## DRY GOODS,

Shoes and Boots, Hats and Caps,
HARDWARE & CUTLERY,
*Crockery and Glass Ware,*
WINES AND LIQUORS,
GROCERIES OF ALL KINDS,
Patent Medicines, Paints and Dye Stuffs, Hatters' Materials, &c.

The Stock is very heavy. Merchants are invited to call and examine for themselves.

☞ SOUTH CAROLINA MONEY will be taken at par, if paid when the Goods are bought.

G. B. ATKINS,
*Foot of Hay Mount.*

*October* 26, 1839. 69tf

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### Crockery.

500 DOZEN TEAS, 350 dozen Plates, 250 dozen Tumblers,

Just received and for sale by

PETER P. JOHNSON.

*April* 20 1839. 42tf

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### WATCHES, JEWELRY, &c.

THE SUBSCRIBER has just received a large assortment of Gold and Silver PATENT LEVER, LEPINE and PLAIN

WATCHES,

Of various qualities, fine and common fashionable **Jewelry** of every description, together with a splendid assortment of

### Silver and Plated Ware,

Such as Table, Tea, Dessert, Cream, Mustard and Salt Spoons, Sugar Tongs, Cups, Cake Baskets, Castors, Wine Stands, Candlesticks, Snuffers, Trays, Butter and Fruit Knives. Every article in the MILITARY line, Swords, Epaulcitts, Buttons, Lace, Stars, Plumes, Sashes, Drums, &c.

—ALSO—

A variety of other articles, viz: Block Tin and Britannia, Tea and Coffee Pots, German Silver Table, Dessert, Tea and Salt Spoons and Forks, Brass Andirons, Shovels, Tongs, and Candlesticks, Brass and Wire Fenders, Astral and Mantel Lamps, with drops, Glasses and Chimneys, Large and Small Waiters, Pen and Pocket Knives, Large and Small Scissors, Razors and Razor Straps, Hair, Cloth, Crumb, Tooth, Flesh and Hearth BRUSHES, Double and Single Barrel Shot Guns, Game Bags, Shot Pouches, Powder Flasks, Percussion Caps, Canister Powder, Patent Wire Cartridges, Pocket Pistols, Dirks, Violins, Flutes, Flageoletts, Music Boxes, Fifes, Piano and Flute Music, Perfumery of every kind, Walking Canes, Drill and Silver Eyed Needles, Ever pointed Pencils, Tooth-picks, Tweezers, Smoking Pipes, Fancy Boxes, Battledores, Chessmen and Boards, Silver and Steel Spectacles, Shell Side, Pocket and Dressing Combs, Steel Pens, Mathematical Instruments, Pole Chains, Surveyor's Compasses, Thermometers, Dog Collars, Paints, Purses, Pocket Books, Coral Necklaces, Card Cases, Guitars, &c.

☞ CLOCK and WATCH REPAIRING and other work in the line, thankfully received and strictly attended to.

W. PRIOR.

*Fayetteville, Oct.* 19, 1839. 68*f*

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### NEW
### *Auction and Commission Store,*
WILMINGTON, N. C.

THE Subscriber, having been appointed one of the Auctioneers of the Town of Wilmington, offers his services to his friends and the public. Having been engaged in the business for a number of years, he feels confident of giving entire satisfaction to those who may confide their business in his hands.

THOS. SANDFORD.

REFER TO
Messrs. Barry & Bryant, } *Wilmington.*
" Dickinson & Morris, }
" E. L. & W. Winslow, } *Fayetteville.*
" Yarbrough & Ray, }
" W. A. Caldwell & Sons, *Charleston.*
" Allibone & Troubat, *Philadelphia.*
James J. Treadwell, Esq., *New York.*

*Sept.* 18, 1839. 63-tf.

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### Land for Sale.

THE LAND belonging to the heirs of Thomas Hadley, dec'd, is offered for SALE. It lies in the County of Cumberland, on the River Road, six miles above the Clarendon Bridge, and contains between 700 and 800 acres. It is well timbered. A very small proportion of the Land has been cleared. As to soil, it is not surpassed in fertility by any in the aforesaid county. It is first rate Corn and Cotton Land. Also, another piece within 3 miles of the Bridge, containing between 40 and 50 acres. Also, an improved LOT of ground in the town of Fayetteville. The several pieces of Land will be shown to those who wish to purchase, by those who live on and near the said Land. Those wishing to purchase, will please to address a line to the subscriber at Stantonsburg, containing their propositions, which will be promptly attended to.

THOMAS HADLEY.

*Fayetteville, Sept.* 6, 1839. 65-tf.

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### Fall and Winter GOODS.

THE Subscriber has received his FALL AND WINTER GOODS, consisting of a large and general assortment of

## DRY GOODS,

GROCERIES, HARDWARE AND CUTLERY,
Crockery-Ware, Hats, Shoes, Bonnets, &c. &c.,

Which he will sell at the LOWEST PRICES for Cash, or on time to punctual customers,—at his old Stand, South East corner of Market Square.

PETER P. JOHNSON.

*November* 5, 1839. 70tf

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### WINES.

OLD MADEIRA, Port, Sherry, Malaga, Claret and white Wine, by the quarter cask or gallon; Claret and Muscat in bottles; Dart Brand Champaign in quart and pint bottles; Lime Juice and Lemon Sirup; London Porter in quart or pint bottles; Cognac Brandy, Holland Gin and West India Rum. Also, a general assortment of

## FAMILY GROCERIES,

Including Sugars, Coffee, Teas, Molasses. Also, Spts. Turpentine, Sweet and Castor Oil, Chewing and Smoking Tobacco, Snuff and Cigars, Soap, Starch, Nuts, Raisins, West India Preserves, Glass, Cotton Yarn, Indigo, Spice, &c. &c. For sale by

M. V. JONES.

*November* 12, 1839. 71tf

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### H. & E. J. LILLY,

HAVE received and opened in part their FALL and WINTER SUPPLY OF

## DRY GOODS,

Hats, Shoes, Bonnets, Umbrellas,
HARDWARE & CUTLERY,

Which they offer at the LOWEST MARKET PRICES, at Wholesale or Retail.

*Their Stock consists partly of—*

French and English Merinos and Circassians, Bombazines, black Challys, Muslin-de-Lanes, figured and plain Silks, *black and colored;* blue, black and brown Cloths, Steel-mixt ditto for Over-coats, Cassimeres, Sattinets, Erminets, Kentucky Jeans, Negro Kerseys, Whitney Blankets, Duffle ditto, fine white and scarlet Flannels, brown and bleached Shirtings and Sheetings, *in great variety*, brown and bleached Drillings, Bed Ticks, Apron Checks, Velvets, French, English and American Calicoes, Cambrics, Mull, Jaconet, Book and Swiss Muslins, Plaid ditto, Bobinet and Thread Laces and Edgings, Muslin Trimmings, Wrought Collars and Capes, fancy Handkerchiefs and Scarfs, black Lace Veils, *handsome;* Hosiery and Gloves, Pongee and Bandanna Handkerchiefs, Thread Cambric, do. Handkerchiefs, Vestings, Gum and Net Suspenders, Linens and Lawns, Table and Towel Diapers, 12-4 Irish Sheetings, Merino Shirts and Drawers, Marseilles Quilts, Italian Cravats, Stocks, Collars and Bosoms, Clark's & Taylor's Spools, fine and common Carpetings, Seal and Fur Caps, with a great variety of articles not enumerated.

Their old customers, and purchasers generally, are invited to call at their Store (next door to Nott & Starr's,) and examine for themselves.

*Fayetteville, October* 23, 1839. 68-8w

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### Leather.

THE Subscribers have on hand a fine Stock of LEATHER, consisting of Sole and Upper, Bridle and Harness, Skirting and Grain Kip, Calf, Deer and Sheep Skins, which they will sell low for Cash, or on time to punctual customers. They are prepared to execute with promptness all orders in their line.

Call and examine our Stock before supplying yourselves.

L. S. BELDEN & CO.

*January* 8, 1839. 27tf

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### French Burr Mill Stones
### For Wheat, and Cologne Stones for Corn.

HAVING been appointed Agent for the sale of the above Mill Stones in this State, by Messrs. Egenton & Morris, Manufacturers, of Baltimore, I would here inform those wanting the same, that they can be furnished by sending their orders to me at this place. We *warrant* the article to be *genuine*, if it is not, we furnish a new pair in their stead.

C. J. ORRELL,
Brick Buildings, Hay Street.

*Fayetteville, Sept.* 20, 1836. 8*f*

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### Notice.

THE Subscriber would inform the public, that he intends carrying on the business of GUN SMITHING, on the North side of Hay Street, three doors below the corner of Hay and Hillsborough Streets, where he intends Stocking Rifles, Shot Guns and Pistols, besides Repairing Locks; and all other business in the line will be done in the neatest order.

Also, constantly on hand, a large stock of Shot Guns, Rifles, Pistols, &c., all of which will be sold at low prices for Cash.

E. A. HARPER.

*January* 1, 1839. 26-1y.

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### Notice.

THE Subscriber being desirous to remove South West, offers his HOUSE, LOT and FURNITURE in the town of Rockingham for sale, well known as a House of Entertainment. A bargain will be given, and payments made easy. For further information, apply on the premises to the Subscriber.

E. LOVE.

*Rockingham, November* 14 1839. 72-3m

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### THOMAS C. BLAKE

HAS received, and is now opening at the South-west corner of Market Square, his FALL and WINTER SUPPLY OF

## DRY GOODS,
Hardware & Cutlery,
Groceries, Crockery Ware, Drugs and Hollow Ware, Shoes, Hats, Black Smith's & Carpenter's Tools.

All of which he is desirous to sell as low, and upon as accommodating terms as are usually given in this market, by the piece or retail.

*His Stock consists in part of*

Superfine, and fine black, blue, and London brown Cloths, blue and black Cassimeres, coarse and fine Over Coat Cloths; blue, black, brown and mixt Sattinetts, Winter and Summer Vestings, brown, green and maroon French Merino, Circassians, figured and plain, light colored Chally's, Bombazine, Muslin de-Lane, black, blue-black, and light colored, plain and figured Silks, English, French and American Calicoes, Cambrics, plain and plaid, Mull, Jaconet, Book and Swiss Muslin, Taglioni, Merino, Fancy Silk, Worsted Shawls, black Merino Scarfs, Marseilles, and Corded Skirts, Silk and Cotton Velvet, Super Velvet, Belt and Bonnet Ribbons, Marseilles Quilts, Cotton Umbrellas, 10-1-4 Irish Sheeting, do. Linnen, Table and Towell Diaper, Linen Drills, Muslin inserting, French Worked Collars, Linen Pocket Handkerchiefs, Painted Lawn, Bandanna and Pongee Handkerchiefs, Italian Cravats, White Satin, Hat Crape Ladies Kid and Picnic Gloves, Gentlemen's Buck and Worsted do. Silk, Lambs-wool and Cotton Hosiery, Whitney and Stripe Blankets, fine White & Scarlet Flannels, Twilled do. brown and bleached Shirtings and Sheetings, (assorted) brown and bleached Drills, Powder, Lead, and Shot, Sole and Upper Leather, Cast Steel Axes, (assorted) Steel, Hoes, Halter and Trace Chains, Spades, Shovels, and a great variety of other articles.

Having determined to sell LOW, the public generally are invited to call and examine for themselves.

*November* 28, 1839. 70-tf.

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### Just received and for sale

24 BARRELS IRISH POTATOES,
5 ditto ORANGES.

SAM'L W. TILLINGHAST.

*November* 27, 1839.

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## NEW GOODS.

WE have received and opened our FALL AND WINTER GOODS, which comprises a large and extensive assortment of

## DRY GOODS,

HARDWARE & CUTLERY,
Boots and Shoes, Fur and Wool Hats, Fur and Seal Caps, Cotton and Wool Cards, Tuscan and plain Straw Bonnets, Writing, Letter and Wrapping Paper, Drugs and Patent Medicines.

***Also,***

10 HHDS. PORTO RICO SUGAR,
80 bags Rio Coffee,
30 boxes Raisins,
Loaf and Lump Sugar,
Collins' and King's Axes,
5 hhds. Crockery,
75 kegs Nails,
50 sides Sole Leather,

Which are offered at very low prices for CASH, or on time for approved paper.

NOTT & STARR.

*November* 19, 1839. 72tf

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## NEW GOODS.

I HAVE received by the late arrivals a LARGE AND GENERAL ASSORTMENT of

## DRY GOODS,

Suitable for the present and approaching Season,—a large supply of

GROCERIES, HARDWARE,
Hats, Boots and Shoes,

A beautiful assortment of

CROCKERY,

Embracing sets of China, white Queen's Ware, (a new article.) Liverpool Ware, different patterns and colours. Also, common Crockery. Winter Strained Lamp Oil, Linseed and Tanners' Oil, extra and No. 1 White Lead, Sole and Upper Leather.

H. LEETE,
*Green Street.*

*November* 19, 1839. 72*f*

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### For Sale,

45000 BRICK,
200 casks LIME,
20 barrels Calcined Plaister,
10 casks Rotten Plaister,
8 ditto Water Lime,
6 ditto Roman Cement,
10 kegs Lathing Nails,
30,000 Laths,
160 bushels Hair for Plaistering.

Call on the Subscriber, 3 doors South of the Market House.

J. E. PATTERSON.

*Fayetteville, Nov.* 18, 1839. 72-4w

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### Hillsborough Academy.

THE FALL SESSION will end on the 6th of December. The Spring Session will begin on Monday the 6th of January. Tuition as heretofore.

Classical Department, { W. J. Bingham, Jno. A. Bingham, A. H. Ray, } Principals.

English Department, { A. H. Ray, S. W. Hughes. }

*Hillsborough, Nov.* 13, 1839. 72-5w

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### DAVID SHAW,
CONFECTIONER AND GROCER,

HAS just received from New York the following articles, which he offers low for cash:—

Bunch Raisins,
Currants and Citron,
Soft shell Almonds,
Palm Nuts and Filberts,
Butter Crackers,
Water ditto,
Cassia and Cloves,
Nutmegs and Mace,
Saltpetre and Alum,
Pepper and Alspice,
Scotch Barley,
Race Ginger and Ground ditto,
Young Hyson Tea,
Loaf Sugar & Brown do.
Coffee and Cheese,
Sup. Spanish Cigars,
Do. Maccoboy Snuff,
Scotch Snuff, in bottles,
Oil of Lemon and Oil of Peppermint,
Essence of Peppermint,
Port Wine, and Old Madeira ditto,
Cogniac Brandy, Jamaica Rum, Holland Gin, and a large assortment of CANDIES, Toys, Cordials, &c.

Country Merchants and others wishing to purchase Confectionaries, whether by wholesale or retail, will find it to their advantage to call. The assortment on hand is large and extensive, and consists of all the articles usually kept in his line. Wholesale price of Candies, by 50 lbs. 30 cents per lb. Retail per lb. 40 cents.

*Fayetteville, Nov.* 27, 1839. 73-6t

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## BOOTS & SHOES.

### GENERAL ASSORTMENT.

THE Subscriber has just received a large stock of BOOTS and SHOES, purchased by himself from the Manufactories in the cities of Philadelphia and New Haven, consisting in part of—

Gentlemen's Calf, Seal, Kip and thick Boots & Shoes,
Gentlemen's Calf, Morocco and Seal Walking and Dancing Pumps,
Gentlemen's Morocco and Seal Slippers,
Ladies' Calf, Seal, Morocco, Kid and Prunella Walking Shoes,
Ladies' Calf, Seal, Morocco, Kid and Prunella Slippers, (thick and thin soles,)
Ladies' colored Slippers,
Ladies' Seal, Morocco and Prunella Boots,
Misses' Leather and Prunella Boots and Shoes,
Boys' Calf, Kip and coarse Shoes and Brogans,
A large assortment of Men's and Women's common and coarse Boots and Shoes,
A large assortment of Children's Leather and Morocco Boots and Shoes.

—ALSO—

Sole and Upper LEATHER, Calf, Seal and Morocco Skins,
Binding and Lining Leather, Shoe Thread, Shoe Knives, Sparables, &c. &c.

All the above articles will be sold at Wholesale or Retail, low for Cash.

PELEG PEARCE,
*Market Square.*

*October* 22. 1839. 68tf

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### State of North Carolina,
MONTGOMERY COUNTY.

*Superior Court of Law, Fall Term*, 1839.

Jno. H. Montgomery *vs.* William M. Gaines.

[*Attachment.*—Summoned for Garnishee, Thomas Waddill, Sen.]

IT appearing to the satisfaction of the Court, that William M. Gaines, the defendant in the above case, has removed beyond the limits of this State, so that the ordinary process of the law cannot be served on him: It is therefore Ordered by the Court, That publication be made for six weeks in the Fayetteville Observer, notifying the said William M. Gaines, so that he may appear at the next Superior Court of Law, to be held for Montgomery county, at the Court House in Lawrenceville, on the first Monday in March next, then and there to demur, replevy or plead, or Judgment will be granted by default, and the defendant's property sold to satisfy the complaint of the Plaintiff.

Witness, Farq'r Martin, Clerk of our said Court, at Office, the first Monday in September, A. D. 1839, and of American Independence the 64th year.

FARQ'R MARTIN, *C. S. C.*,
By NATH'L KNIGHT, *D. Clk.*

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### Cocoons wanted.

THE Subscriber has about two thousand very fine MORUS MULTICAULIS TREES yet for sale, from 5 to 8 feet high, one-half of which he is willing to sell payable in Cocoons, to be delivered next Summer; the other half cash.

Persons wishing to make contracts will please make their applications soon, as the Season for planting, according to his experience, begins early in February. Silk Worm Eggs from a very healthy stock of Worms, can also be had.

I. WETMORE.

*Fayetteville, November* 25, 1839. 73tf

☞ The Wilmington Advertiser and Salisbury Watchman will please insert the above until 1st February.

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### State of North Carolina,
MONTGOMERY COUNTY.

*Superior Court of Law, Fall Term*, 1839.

Elizabeth Ledbetter *vs.* Elias Billingsley and John Billingsley.

Original Attachment levied on the Defendant's undivided interest in the lands belonging to Sias Billingsley, Sen., deceased,—400 acres on Clark's Creek, adjoining Hector Megginson and Edmund Barringer. Also, 136 acres on the waters of Clark's Creek, adjoining Aulay McAulay and others.

IT appearing to the satisfaction of the Court, that the Defendants in this case have removed beyond the limits of this State, so that the usual process of law cannot be served on them: It is therefore Ordered by the Court, That publication be made for six weeks in the Fayetteville Observer, notifying said Elias and John Billingsley of the levy of this Attachment, and requiring them to appear, replevy and plead at the next term of this Court, to be held for the County of Montgomery, at the Court House in Lawrenceville, on the first Monday in March next, or Judgment by default will be entered against them, and the property levied on be condemned to satisfaction of Plaintiff's demand.

Witness, Farq'r Martin, Clerk of our said Court, at Office, the first Monday in September, 1839, and of American Independence the 64th year.

FARQ'R MARTIN, *C. S. C.*,
[70] By NATH'L KNIGHT, *D. Clk.*

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### State of North Carolina,
MONTGOMERY COUNTY.

*Superior Court of Law, Fall Term*, 1839.

Elizabeth Ledbetter *vs.* Elias Billingsley.

Original Attachment on the undivided interest of the Defendant in the lands of Sias Billingsley, Sen., deceased,—400 acres on the waters of Clark's Creek, adjoining Hector Megginson and Edmund Barringer. Also, 136 acres on the waters of Clark's Creek, adjoining Aulay McAulay and others.

IT appearing to the satisfaction of the Court, that the Defendant, Elias Billingsley, hath removed beyond the limits of this State, so that the usual process of law cannot be served upon him: It is therefore Ordered by the Court, That publication be made for six weeks in the Fayetteville Observer, notifying said Elias Billingsley of the levy of this Attachment, and requiring him to appear, replevy and plead at the next term of this Court, to be held for the County of Montgomery, at the Court House in Lawrenceville, on the first Monday in March next, or Judgment will be entered by default against him, and the property levied on be condemned to the satisfaction of Plaintiff's demand.

Witness, Farq'r Martin, Clerk of our said Court, at Office, the first Monday in September 1839, and in the 64th year of American Independence.

FARQ'R MARTIN, *C. S. C.*,
[70] By NATH'L KNIGHT, *D. Clk*

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SOUTHERN TONIC
COSTER & COXE

### AGUE AND FEVER,

And every symptom of general Debility, speedily and permanently cured by

**COSTER & COXE'S**
ORIGINAL
## SOUTHERN TONIC.

COSTER & COXE, the inventors of this celebrated medicine, from a long residence in the South, and from the nature of their vocation, have been brought immediately in contact with the Ague and Fever in its most obstinate forms, and have frequently been compelled to witness the entire want of success in the practice of the most skilful Physicians. The usual and popular mode of treating this disease has been, first to evacuate the stomach and bowels, and then resort to the use of Tonics—of which class of Medicines a very great variety have been recommended to the Public—all of which have had their advocates, and that which has been by far the most popular one, has been Peruvian Bark and its preparations, particularly that of *Quinine*. There are insurmountable objections to the administration of Quinine, as to most individuals, (when carried to a salutary point,) it produces a roaring in the ears, nausea, and a headache, very similar to a bilious headache; and when it effects a cure it is seldom permanent. It was the hope of avoiding this state of things that induced us to try the "Southern Tonic," and we are happy to say that its success has surprised *even us*. As there is no Arsenic, Mercury, or any thing *in the least* hurtful to the human constitution in it, there can be no objection to the administration of the Southern Tonic to the most tender infant; indeed it will be found the most delicate and effective medicine known in those cases of Disorganized Stomach and Bowels, and of general debility which so frequently present themselves in children.

☞ A supply of the above Medicine has been received, on consignment, at the Book Store, Fayetteville, N. C. Price $1 per bottle, or 9 per dozen.

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### PILES &c.
### HAEMORRHOIDS.
NO CURE NO PAY!!
PRICE $1.
### HAY'S LINIMENT.

NO FICTION.—This extraordinary chemical composition, the result of science and the invention of a celebrated medical man, the introduction of which to the public was invested with the solemnity of a death-bed bequest, has since gained a reputation unparalleled, fully sustaining the correctness of the lamented Dr. Gridley's last confession, that "he dared not die without giving to posterity the benefit of his knowledge on this subject," and he therefore bequeathed to his friend and attendant, Solomon Hays, the secret of his discovery.

It is now used in the principal hospitals, and the private practice in our country, first and most certainly for the cure of the *Piles*, and also so extensively and effectually as to bafile credulity, unless where its effects are witnessed. *Externally* in the following complaints.

For Dropsy Creating extraordinary absorption at once.

All Swellings—Reducing them in a few hours.

Rheumatism—Acute or Chronic, giving quick ease.

Sore Throat—By cancers, ulcers or colds.

Croup and Whooping Cough—Externally, and over the chest.

All Bruises, Sprains and Burns—Curing in a few hours.

Sores and Ulcers—Whether fresh or long standing, and fever sores.

Its operations upon adults and children in reducing rheumatic swellings, and loosening coughs and tightness of the chest by relaxation of the parts, has been surprising beyond conception. The common remark of those who have used it in the *Piles*, is "It acts like a charm."

THE PILES.—The price $1 is refunded to any person who will use a bottle of Hay's Liniment for the Piles, and return the empty bottle without being cured. These are the positive orders of the Proprietor to the Agents; and out of many thousands sold not one has been unsuccessful.

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We might insert certificates to any length, but prefer that those who sell the article, should exhibit the original to purchasers.

CAUTION.—None can be genuine without splendid engraved wrapper, on which is my name, and also *that of the Agents.*

SOLOMON HAYS.

TO EDITORS, &c.—All country papers who will insert the above 12 months, and send one number to the agents, shall be entitled to one dozen of the Liniment.

Sold wholesale and retail by COMSTOCK & CO., Sole Agents, 2 Fletcher street, near Maiden Lane, one door below Pearl street, New York, and by M. R. WILLKINGS, Fayetteville, N. C.

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### Piles, Dropsy, Swellings, All Sores, Rheumatism.

IT is absolutely asserted on the most positive proof, that the above complaints are arrested and cured by the timely use of Hay's Liniment. It is impossible to find room in this paper to present those proofs which are conclusive and convincing. They may be seen at length as below.

The true article has a splendid engraved wrapper with agents and proprietor's name. Call at 2 Fletch, er st. near Maiden Lane, 1 door below Pearl street, where the article is sold.

SOLOMON HAYS.

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### Hay's Liniment for the Piles.

THE Proprietor begs leave to recommend, which he does with the fullest confidence, one of the most valuable remedies known for this troublesome and painful complaint. Without going into detail, he deems it enough to say, that he has in his possession undoubted testimonials, that it has more completely answered the purpose for which it is intended than any other popular medicine. This remedy is perfectly innocent in its application to all conditions, ages and sexes. Full directions accompany each bottle. For sale wholesale and retail at 2 Fletcher street, near Maiden Lane, one door below Pearl street, and by M. R. WILLKINGS, Fayetteville, N. C.

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### HEADACHE.

DR. E. SPOHN, a German physician of much note, having devoted his attention for some years to the cure and removal of the causes of NERVOUS AND SICK HEADACHE, has the satisfaction to make known, that he has a remedy which by removing the causes, cures effectually and permanently this distressing complaint. There are many families who have considered Sick Headache a constitutional incurable family complaint. Dr. S. assures them that they are mistaken, and laboring under distress which they might not only alleviate, but actually eradicate by the use of his remedy.

It is the result of scientific research, and is entirely of a different character from advertised patent medicines, and is not unpleasant to the taste.

HEADACHE, SICK OR NERVOUS.

The extraordinary reputation that Dr. Spohn's remedy for this distressing complaint is every day gaining is certainly a matter of much astonishment. That so much suffering should have existed for ages without any discovery of an effectual preventive, or cure, is truly a subject of much regret, but Dr. S. now assures the public that such a remedy has been invented as will convince the most incredulous. The principles upon which it acts are simple and plain. It is an admitted fact that this complaint, whether called Sick Headache, or Nervous Headache, arises primarily from the stomach—those who think they have the Nervous Headache may rest assured that this organ, the stomach, is the first cause, that the system has become vitiated or debilitated, through the stomach, and that only through the same channel must they expect a restoration of the natural and healthy functions of the system. This object, Dr. Spohn's remedy is eminently calculated to attain. The truth of this position cannot be controverted, and the sooner sufferers with the headache become convinced of it, the sooner will their sufferings end in restoration of health. Dr. Spohn pledges his professional reputation on this fact. The remedy may be had of apothecaries generally throughout the United States.

COMSTOCK & CO., wholesale druggists 2 Fletcher street, near Maiden Lane, one door below Pearl st., New York, General Agents for America.

E. SPOHN, M. D.

For sale by
M. R. WILLKINGS,
Fayetteville, N. C.

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THE LATE MAYOR of Philadelphia has certified under seal of the city to the character of several Divines, Physicians, and gentlemen of high standing who declare positively under their own hands (all of which may be seen at the place named below) that the Balm of Columbia is not only a certain preservative, but positively a restorative of the human hair; also, a sure cure for Dandruff. Who shall dispute, or who go bald? Enquire at 2, Fletcher street, 1 door below Pearl street, near Maiden Lane, and of M. R. WILLKINGS, Fayetteville, N. C.

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### BALDNESS.

A BEAUTIFUL HEAD OF HAIR is the grandest ornament belonging to the human frame. How strangely the loss of it changes the countenance, and prematurely brings on the appearance of old age, which causes many to recoil at being uncovered, and sometimes even shun society to avoid the jests and sneers of their acquaintance; the remainder of their lives is consequently spent in retirement. In short, not even the loss of property fills the generous thinking youth with that heavy sinking gloom as does the loss of his hair. To avert all these unpleasant circumstances, OLDRIDGE'S BALM OF COLUMBIA stops the hair from falling off on the first application, and a few bottles restores it again. It likewise produces eyebrows and whiskers; prevents the hair from turning gray, makes it curl beautifully, and frees it from scurf. Numerous certificates of the first respectability in support of the virtues of Oldridge's Balm are shown by the proprietors.

READ THE FOLLOWING:

ROBERT WHARTON, Esq. late Mayor of Philadelphia, has certified to the high character of the following gentlemen:

The undersigned do hereby certify that we have used the Balm of Columbia discovered by J. Oldridge, and have found it highly serviceable not only as a preventive against the falling off of hair, but also a certain restorative.

WM. THATCHER, sen.
Methodist Minister in St. George charge, No. 86 North Fifth st.
J. D. THOMAS, M. D. 163 Race st.
J. S. FUREY, 101 Spruce st.
H. McCURDY, 213 South 7th st.
JOHN GARD, jr. 123 Arch st.

It will certainly raise its virtues in the estimation of the public, when it is known that three of the above signers are more than 50 years of age, and the others not less than 30.

CAUTION.—Observe that each bottle of the genuine Balm has a splendid engraved wrapper, on which is represented the Falls of Niagara, the agent's name, &c.

Sold wholesale and retail by COMSTOCK & CO., Sole Agents for America, 2 Fletcher street, near Maiden Lane, one door below Pearl street, N. York, and by M. R. WILLKINGS, Fayetteville, N. C.

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### DANDRUFF & BALDNESS.
*Oldridge's Balm of Columbia.*

DANDRUFF AND BALDNESS.—The article named above is a chemical combination of such ingredients as have proved themselves efficacious in assisting the natural growth of the human hair, and removing all obstacles to its perfect development.—In commending this article to the particular notice of a discerning public, the proprietor is but recapitulating the oft expressed sentiments of the many hundreds, who have successfully tested its efficacy and wonderful qualities—this compound having acquired for itself a character for singular merit and value. It is used by ladies and gentlemen generally, to keep the Hair moist and beautiful, and the head free from Dandruff, which it does most perfectly, and thus prevents Baldness.

CAUTION.—Observe that each bottle of the genuine Balsam of Columbia has a splendid engraved wrapper, on which is represented the Falls of Niagara, &c.

For sale, wholesale or retail, by COMSTOCK & CO., 2 Fulton st. near Maiden Lane, 1 door from Pearl st. and by M. R. WILLKINGS, Fayetteville, N. C. 28-y1aY

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### Rowand's Tonic Mixture,
AN INFALLIBLE CURE FOR AGUE AND FEVER.

A FRESH SUPPLY of this valuable Medicine, just received from the Manufactory at Philadelphia. For sale at the Fayetteville Book Store, price $9 per dozen, or $1 per bottle.

*October* 5, 1839.

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TURNER & HUGHES'
**N. C. ALMANAC, FOR 1840,**
For sale, wholesale and retail, by

E. J. HALE.

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***MATCHLESS SANATIVE.***

THIS invaluable Medicine is for sale by the Subscriber at Temperance Hill Post Office, Moore County, N. C.

JOSIAH T. PHILLIPS.

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## TO THE AFFLICTED.

### Hadlock's Vegetable Powder and Sirup,

*For Diseases of the Lungs, Liver Complaints, Dyspepsia, Coughs, Colds, &c.*

The operation of this Medicine is particularly mild and safe. It promotes a gentle and healthy perspiration, and checks morbid and pernicious sweatings, relieves chronic affections and congestion of the lungs, assuages cough, promotes a free and mild expectoration, removes pains from the chest, relieves asthmatic or difficult respiration, corrects obstinate costiveness, and leaves the bowels in a regular and healthy state. Those painful symptoms which indicate diseased lungs readily yield to this certain remedy, when seasonably resorted to, and it restores the patient to the bodily vigor which that wasting disorder, the consumption, if left to its natural operation, so surely destroys.

☞ For sale by the Proprietor, on Hillsborough street, and at the Store of James H. Hooper.

The Proprietor has received the following testimony from the Rev. Simeon Colton, a gentleman well known:—

TO THE PUBLIC.

Mr. James Hadlock has for some time been in the practice of preparing vegetable powder and sirup for diseases of the lungs, coughs, colds, &c which have been extensively used in and about Fayetteville, N. C., as well as in other places, by people who have suffered under those and similar complaints. They have acquired a high reputation, and are considered by many as superior to any other medicine for the above-named diseases. And I have reason to believe from my own experience, and from the effects of the medicine, as used in my family, that it is highly valuable, while its operation is mild and safe. It is recommended to all who may be laboring under the complaints named, to give it a thorough trial, and it is confidently believed that there will be no disappointment in the result.

SIMEON COLTON,
*Principal of the Donaldson Academy.*

*Fayetteville, Feb.* 18, 1839. 37tf

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### CLEANSE AND PURIFY THE BODY.

THE operation of the principles of PURGATION being allowed to be one of the greatest utility in the cure and prevention of disease, it is of the greatest consequence to ascertain what medicine is capable of producing the DESIRED EFFECT, in the easiest, and at the same time in the most effectual manner.

We no longer believe that inflammations of any kind can be cured by abstracting our life—OUR BLOOD. It is now well understood that an inflammation is a wise ORDINANCE OF NATURE, a signal that she requires the assistance of purgative medicines, to ease her of the oppressive burden which she proves by the high fever and strong pulse, is wanted to be removed. In other words, the body calls for a vegetable cleansing.

*Brandeth's Vegetable Universal Pills* require no skill in their administration. The printed direction only has to be observed, and they pre-describe the just proportion of the dose to the magnitude of the disease to be cured.

Let all persons read the following opinion of a gentleman who well knows the qualities of these pills.

**BRANDETH'S PILLS.**

This medicine is acknowledged to be one of the most valuable ever discovered, as a purifier of the blood and fluids. It is superior to Sarsaparilla, whether as a sudoritic or alterative. It stands infinitely before all the preparations or combinations of Mercury. Its purgative properties are alone of incalculable value—for these pills may be taken daily FOR ANY PERIOD, and instead of weakening by all cathartic effect, they add strength, by taking away the cause of weakness. There is no good MADE by them, which these pills do not likewise. But they have none of the miserable effects of that DEADLY SPECIFIC. The TEETH are not injured—the BONES and limbs are not paralyzed—no.—But in the stead of these distressing symptoms, new life and consequent animation, is evident in every movement of the body. Brandeth's Pills are indeed A UNIVERSAL REMEDY; for they cure opposite diseases. They cure *Inflammation* and *Chronic Rheumatism!* They cure *Diabetes* and *Strangury!* They cure *Dysentery* and *Constitutional Costiveness!* They will cure all these apparently opposite diseases, BECAUSE they CLEANSE and PURIFY the blood, provided, however, nature is not beyond all human ASSISTANCE. Four years this medicine has now been before the public in the United States. Wherever it has been introduced, it has superseded all other remedies.

Dr. Brandeth's offices in New York are 241, Broadway, 185, Hudson street, and 276, Bowery, between Prince and Houston streets.

*South Carolina Office*—70, Meeting st., Charleston.

The only agent in Wilmington is Mr. S. M. WEST, who has the pills for sale, at 25 cents per box, with full directions.

*OBSERVE, ☞ Druggists are never made agents.*

☞ BEWARE OF COUNTERFEITS. ☜

Agent for Fayetteville, Mr. M. CHAEL McGARY.

June 7, 1839. 52-1Y.

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### PETERS'S VEGETABLE
## PILLS.

THESE PILLS are no longer among those of doubtful utility. They have passed away from the hundreds that are daily launched upon the tide of experiment, and now stand before the public as high in reputation, and as extensively employed in all parts of the United States, the Canadas, Texas, Mexico, and the West Indies, as any medicine that has ever been prepared for the relief of suffering man. They have been introduced wherever it was found possible to carry them, and there are but few towns that do not contain some remarkable evidences of their good effects. The certificates that have been presented to the proprietor exceed twenty thousand!—upwards of five hundred of which are from regular practising Physicians, who are the most competent judges of their merits.

Often have the cures performed by this medicine furnished subjects for editorial comment, in various newspapers and journals; and it may with truth be asserted that no medicine of the kind has ever received testimonials of higher value than this.

They are in general use as a family medicine, and there are thousands of families who declare they are never satisfied unless with a supply always at hand.

They have no rival in curing and preventing Bilious Fevers, Fever and Ague, Dyspepsia, Liver Complaints, Sick Head-ache, Jaundice, Asthma, Dropsy, Rheumatism, Enlargement of the Spleen, Piles, Cholic, Female Obstructions, Heart-burn, Furred Tongue, Nausea, Distension of the Stomach and Bowels, Incipient Diarrhœa, Flatulence, Habitual Costiveness, Loss of Appetite, Blotched or Sallow Complexion, and in all cases of Torpor of the Bowels, where a cathartic or an aperient is needed. They are exceedingly mild in their operation, producing neither nausea, griping, nor debility.

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